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THE LOUISIANA
HISTORICAL QUARTERLY

Vol. 25, No. 4 OCTOBER, 1942

THE FORKED RIVER

By STANLEY FAYE

In some year that may have been 1656 two Frenchmen returned to Three Rivers in Canada. They brought tales of western adventure on rivers not traversed by other white men. One of these wanderers put his story later into English for presentation to a foreign patron, the king of England. "We went," he wrote, "into the great river that divides itselfe in 2 . . . the forkèd river. It is so called because it has two branches, the one towards the West, the other towards the South, which we believe runs towards Mexico."[1] Maps already long published and known in Canada caused Canadians to doubt whether such a story were true or false.[2] Louis Joliet, returning in 1674 from adventures of his own, was quick to announce that the great river called Mississippi, which he had discovered and explored almost to the Arkansas, was "a river without a fork." Yet even before Joliet's canoes had reached the mouth of the Ohio they had passed, at modern Cape Girardeau, Mo., the head of one fork on the right bank leading into the St. Francis River and thus again into the Mississippi.[3] Other forks on each bank, though leading not toward Mexico, were to be found both above and below the Arkansas by Joliet's successors in exploration, Cavelier de la Salle and Henry de Tonti.

Thought of a great river leading toward the mines of Spanish New Mexico tickled the fancies of all Frenchmen in

[1] Pierre Esprit Radisson in Louise Phelps Kellogg, ed., *Early Narratives of the Northwest, 1634-1699* (New York, 1917), 61.

[2] See maps in Francis Borgia Steck, *The Joliet-Marquette Expedition, 1673* (Quincy, Ill., 1928). Some maps referred to below may be found in line drawings in Justin Winsor, ed., *Narrative and Critical History of America* (8 v.: Boston, 1889), v. 4. All French maps referred to here in manuscript original have been consulted in the form of photocopies in the Karpinski collection (Ayer Collection, Newberry Library, Chicago, and other libraries.)

[3] *Hearings before the Committee on Flood Control, House of Representatives, Seventieth Congress, First Session* (7 v., consecutive pagination; Washington, 1927), I, 171, 202, 204. This report will be referred to hereafter as *Flood Control.*

Canada and of all French statesmen in Europe. Since early in the century war declared or undeclared had existed between France and Spain with never a peace of so much as six years' duration. During another quarter-century war was to continue likewise between the same two monarchies. French explorers would think mines in New Mexico all the richer if capture of them by colonial French forces might help France to reduce still further the failing power of Spain. In a moment of peace but with knowledge of warlike possibilities, Cavelier de la Salle of Montreal began a journey to the Mississippi in the autumn of 1679. Henry de Tonti, the Reverend Father Louis Hennepin and other stout hearts accompanied him. France and Spain had not yet entered into the peace of Nimwegen when the king of France had authorized La Salle in the previous year to find out a way to Mexico and had promised him trade rights in all lands of his exploration that white men had not explored before him.[4] La Salle knew in 1679 that the Spanish enemy still confronted him in law if not in fact, for almost 140 years earlier Hernando de Soto had discovered and claimed for Spain a country that, according to Joliet's report and the old maps, must be the Mississippi Valley.

De Soto had marched northward from the region of Mobile Bay to a Chickasaw village. Thence he had gone westward and had crossed a great river that his Chickasaw guide called Chucagua. After exploration far to the west and southwest he had come eastward again to die and be buried in the waters of a stream that survivors of his expedition called only a great river—a *río grande*. De Soto himself had crossed but had not descended the Chucagua. The survivors had gone down the *río grande* to the sea and on to Mexico. La Salle, in order to gain commercial benefits for himself, must gain at least appearance of a territorial claim for France. In order to claim territory for France without a Spanish cloud upon the title he must succeed in representing that the Chucagua of De Soto lay far to the eastward of the Mississippi. If that should prove impossible he must acknowledge the minor cloud of De Soto's crossing and dissipate a major Spanish cloud by making proof apparent that the *río grande* of the survivors was a different river far to the westward.

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[4] *Cf.* Pierre Margry, ed., *Découvertes et Etablissements des Français dans l'Amérique Septentrionale* (6 v.; Paris, 1876-1886), I, 337-338; II, 359.

The former task soon appeared possible; for La Salle found Chickasaw traders on the Illinois River. Though he could talk with them only in sign language he learned then something of the river on which they lived and which flowed, they seemed to be telling him, from the regions of Carolina.[5] This river, La Salle was pleased to infer, might be De Soto's Chucagua. Commercial and political considerations deferred La Salle from proceeding straightway on his discovery, but just two years later he set out with Henry de Tonti and three dozen Frenchmen and Indians to descend the Mississippi. Near the point where now stands the city of Memphis he talked, still in sign language,[6] with two other Chickasaw savages. He learned that their village could be found to the eastward on a stream that might be reached by a channel heading ten leagues[7] down the Mississippi. One of his companions was quoted later as saying that the Chickasaw called the channel the River of the Chickasaw.[8] Mapmakers later applied this name to the twin streams now called Wolf River and Loosahatchie, debouching at the site of Memphis.[9] The 10-

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[5] Margry, *op. cit.*, II, 96 (La Salle).

[6] *Ibid.*, I, 597 (Tonti-1684).

[7] For value of the French foot and other measures legal for use in the colonies see Stanley L. McMichael, *McMichael's Appraising Manual* (New York, 1937), 594; for Spanish colonial linear measures see *ibid.*, 555. For French measures *cf.* Trudeau's statement annexed to López y Angulo to Soler, July 13, 1801, Archivo General de Indias, Audiencia, Santo Domingo, 87-1-27. On the basis of the legal Royal Foot of Paris the values of French leagues in contemporary use were as follows: I. The great league or hour, one hour's march at military quickstep, 2853 *toises* (fathoms), 3.461 English statute miles, 3.046 English nautical miles, supposed until 1744 to equal three minutes of arc at the earth's equator. This is the league of French marine charts. Both Joutel (in his unpublished *Remarques*) and La Harpe cite it with reference to Arkansas Post. II. The common league, eight-tenths of the preceding, 2282 *toises*, 2.769 English miles, exceeding in length the Spanish league (of 5000 *varas reales*) used in Texas but never in Louisiana, which had a value of about 2.6 English miles. III. The common league of Paris, 2000 *toises*, 3.0277 English miles. This is the league legal for use in French and also in Spanish Louisiana, the surveyor's league of "dos millas y quinientas toesas, medida de la ciudad de Paris, segûn ojo y costumbre desta Colonia:" Trudeau's report of 1797 on the survey of Bastrop's grant, AGI, ASD, 86-7-17. IV. The post league, eight-tenths of the preceding, 2000 *toises*, 2.422 English miles. Comparison of known distances with distances quoted in the relations of careful explorers, including La Salle and Iberville, shows this shortest league to be the league commonly used for journeys; yet Iberville's chaplain complained that even Iberville's leagues seemed long. "One day's journey" (*une journée*) is a stereotyped phrase meaning about ten leagues.

[8] Margry, *op. cit.*, I, 552 (Nicolas de la Salle); II, 189 (procès verbal of April 9, 1682); III, 468 (Joutel-Delisle); Pierre Margry, *Relations et Mèmoires Inédits* (Paris, 1867), 15 (Tonti, "relation sent in 1898"); *Mid-America*, XXI, (1939), 230 (Tonti to his brother, Fort Mississippi, March 4, 1700.) The Chickasaw told La Salle their village was four and a half or five *journées* (probably in fact six *journées*) distant from Fort Prud'homme. Whether with reference to Buck Island Bayou or to Fort Prud'homme, Tonti-1693 locates it as follows: ". . . deux sauvages, Chicachas de nation, dont le village est à trois journées de là dans les terres du bord de Mississipy." In Tonti's peculiar vocabulary this means three *journées* inland from the Mississippi bank. Joutel learned in 1687 that a trail led from the upper end of the third Chickasaw bluff (Wolf River) two *journées* eastward to a Chickasaw village; Tonti reported in 1693 that such a trail led from the bluff three *journées* eastward to the village. Hence the "road to the Chickasaw" appearing on some early maps.

[9] Testimony of early maps that Wolf River and the Loosahatchie had together only one mouth is confirmed by General Collot in 1796: Victor Collot, *Plan du fort des Ecores à Margot, 1796*, in Emile Lauvrière, *Histoire de la Louisiane Française, 1673-1939* (Baton Rouge, 1940), 351.

league channel, before the Mississippi barricaded it in modern times, became known to modern Americans as Buck Island Bayou.

Within the state of Mississippi, below the old mouth of Wolf River some thirty-seven miles, measuring whether by land or by the present channel of the Mississippi, the line separating De Soto and Tunica counties reaches the river channel by swerving around the head of a mudflat once known as Buck Island, or Island 53. Both above and below this point channels still may be traced[10] leading from the river levee to continue in one eastward channel that on maps not quite up-to-date is still called Buck Island Bayou. This is the head of a fork that troubled LeMoyne d'Iberville in the latter years of the seventeenth century. In a later century Union gunboats disregarded it, as they disregarded Deer Creek, and sought entrance into the Yazoo River by Yazoo Pass and Steele's Bayou. Thomas Hutchins, "geographer of the United States," held it inaccurately in mind when he wrote of Steele's Bayou in 1782, "About a mile and a half up the Yazou River, on the North side, there is a large creek, which communicates with the Mississippi above the river St. Francis, about 100 leagues higher up, by the course of the river."[11] Buck Island Bayou had not preserved itself in the knowledge of Spanish Louisiana when, nine years later, Manuel Gayoso de Lemos came to Walnut Hills to build a Spanish fort against the ambitious designs of the Americanos. The southern mouth of the Yazoo would not permit passage of Gayoso and his barge; he entered by the north mouth, looked with interest upon the mouth of Steele's Bayou and recalled the published words of Thomas Hutchins. "The exploration of this channel would be of the greatest importance," Gayoso wrote to the Spanish governor in New Orleans, "because it might perhaps greatly facilitate trade with our settlements in Missouri."[12]

Steele's Bayou in fact headed opposite and north of Lake Providence; it comes into the Yazoo River just above that river's mouth. Deer Creek headed opposite Arkansas City; it reaches the

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[10] Mississippi River Commission, *Maps of the Mississippi River, Cairo, Illinois, to the Gulf of Mexico, Louisiana* (Vicksburg, 1941), map 14. On the precarious assumptions that the distance of ten leagues is measured from the old mouth of Wolf River and that the former and present routings are of equal length, Horn Lake Bayou would better fit the words of Tonti.

[11] Thomas Hutchins, *An Historical Narrative and Topographical Description of Louisiana and West Florida* (Philadelphia, 1784), 55.

[12] Gayoso to Miró, May 10, annexed to Las Casas to Campo de Alange, Nov. 5, 1791, Archivo General de Simancas, Guerra, Legajo 6928.

Yazoo farther up after contributing flood waters both to Steele's Bayou and to the Sunflower River. The Sunflower headed at Friar Point; it meets the Yazoo halfway between Vicksburg and Yazoo City. But Yazoo Pass, heading five miles below Helena, and Buck Island Bayou, "ten leagues" below Wolf River, led in easterly directions to junctions with the Coldwater, which there exchanged its westerly course for a southerly course and went to join the Tallahatchie in forming the Yazoo River's northern branch. Somewhere in the lands that are the common source of the Coldwater and the Tallahatchie the Chickasaw village stood, if the Chickasaw savages at Wolf River told the truth and if La Salle understood their sign language. One of the two savages went to summon the chiefs of his village to a meeting agreed upon with La Salle at an inland point that could be reached by way of Yazoo Pass, four *journées* below Wolf River.[13]

Succeeding events reveal what disquietude La Salle admitted into his mind as he considered the problem of the Chickasaw. From talk with Chickasaw traders on the Illinois River he had guessed that their own river, a river they thought large, flowed from the eastern mountains. Now he learned that that river flowed into the Mississippi. It flowed therefore westward across that country where, for the sake of his commercial prospects and the aggrandizement of his king, he must assert the existence of a great river flowing from north to south. If he should gain direct knowledge of Yazoo Pass and of the river to which it led he might gain too much knowledge for the peace of his mind and the skill of his pen.

One Chickasaw remained with La Salle to point out the head of the pass. While the other Chickasaw hurried perhaps to the eastward La Salle made preparation for departure. While Chickasaw chiefs hurried perhaps westward down the Coldwater or down the Tallahatchie, La Salle took his expedition down the Mississippi. In the course of the fourth *journée* the expedition found no difficulty, despite a heavy fog, in viewing the mouth of

[13] Procès verbal of April 9, 1682. The passage in the archive manuscript is read as four *journées* in the copies made for Jared Sparks, *Lives of Robert Cavelier de la Salle and Patrick Henry* (Boston, 1844), 192 and note; for Thomas Falconer, *On the discovery of the Mississippi* (London, 1844), part 2, p. 38; and for Margry, *Découvertes* (Paris, 1876), II, 189. The mouth of the St. Francis River is near the beginning and the head of Yazoo Pass toward the end of the fourth *journée*, modern routing. In "miles below Cairo," old routing of Jan. 1, 1941, the locations of various points are as follows: Old mouth of Wolf-Loosahatchie, 223; Buck Island, 260; present mouth of St. Francis River, 298; Yazoo Pass, 313; head of Deer Creek, 433; Paw Paw Landing (old north mouth of Yazoo River), 591.

the St. Francis River, In that same fog, on the critical day of Yazoo Pass, on the only day when the services of a Chickasaw guide were needed, La Salle put his own canoe far in advance of the others. Six leagues below the St. Francis the canoe in which the guide travelled was trailing behind. The Chickasaw tried to show that Yazoo Pass lay at hand in the fog. La Salle sped on, deaf to hydrographic detail and to his Chickasaw engagement.[14] When at the mouth of the great river he took formal possession of the Mississippi basin for his king, and therefore for himself, he said in the words of his own paid employee, his notary, that the fog had prevented him from finding Yazoo Pass.[15]

Before he left the uppermost Quapaw village a few days after missing the Chickasaw[16] La Salle decided upon firm treatment of the Chickasaw problem. At the Quapaw village he signed a notarized document whereby he asserted obliquely that the Allegheney and De Soto's Chucagua formed one great seagoing river flowing far east of the Mississippi.[17] Passing the head of Deer Creek a few leagues below the mouth of the Arkansas he refused to let his new Quapaw guides lead him down that new path to embarrassment on the Yazoo.[18] Passing the hidden mouth of the Yazoo itself he omitted to look upon it.[19] Thus he preserved official ignorance and felt free at the Mississippi mouth to set forth even in stronger terms, though still obliquely, that the Mississippi lay beyond the limit of De Soto's exploration.[20]

At the Mississippi mouth La Salle knew that the great river he had just explored to the sea conformed not at all to the Spanish description of the *río grande* down which survivors of De Soto's expedition had fled from the wilderness. If that *río grande,* unlike

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[14] Relation of Membré in Chrestien LeClercq, *Premier Etablissement de la Foy dans la Nouvelle France* (2. v.; Paris, 1691), II, 234. This passage is out of place in the relation. It should appear on page 221 following a reference to the fog and the St. Francis River (which is deleted, apparently by the editors of LeClercq's book manuscript); Membré says that the affair of the guide took place "six leagues below", i. e., below a point of which mention is deleted. Transference of this paragraph to a part of the relation where the context prevents it from harming the interests of La Salle's successors appears to be only one of different methods by which the editors changed the force of Membré's testimony. For other means used to falsify the text of LeClercq's manuscript see Jean Delanglez, *The Journal of Jean Cavelier* (Chicago, 1938).

[15] Procès verbal of April 9, 1682.

[16] This phrase from Tonti-1684 (Margry, *op. cit.*, I, 600), is apposite at this point, though Tonti's customary confusion of thought makes apparent reference only to Deer Creek.

[17] Margry, *op. cit.*, II, 181-185 (procès verbal of March 13-14, 1682.)

[18] *Ibid.*, I, 555 (Nicolas de la Salle), 600 (Tonti-1684).

[19] *Ibid.*, II, 200-201 (La Salle).

[20] Procés verbal of April 9, 1682.

the Chucagua, lay farther to the westward, La Salle's problem was still to be solved, but further treatment of it could be deferred to later years. His postulate of a great river in the east La Salle enlarged in the following months with arguments[21] obscured by customary equivocation, which would permit him later in case of need to confess the existence of a real *río grande* in the west. Supporting his current argument he falsified both latitude and longitude and represented the Mississippi as flowing far southwestward to a mouth in the region now called Texas. His representations, forwarded to Quebec, led a Canadian map-maker to draw in the year 1683 the first of several maps that interpreted a geographical hoax.[22] As far as concerns Tonti and his discovery of a western *rio grande* it suffices to note that a person wishing to travel from modern Texarkana to the mouth of the Arkansas River should travel east northeast, but that one accepting La Salle's longitude, which the old Canadian maps present, would think that he ought to travel south of east.[23]

Beyond the mouth of the Yazoo the expedition had continued its descent of the Mississippi. About seven *journées* beyond, in the bight of a west bend that would endure for another century and a half, they peered into the mouth of a large river coming from the west, whose clear water[24] was to be red and turbid with sand and with the spring flood when they should see it again. A league or so below they passed the head of a channel on the right bank, the Long River, the Atchafalaya, which La Salle may have considered with a speculating eye; for Indians told them that that channel led to the sea.[25] Somewhere on its lower course

[21] Margry, *op. cit.*, II, 196-203.

[22] Franquelin's map of 1683.

[23] Franquelin's map of 1684 adds correct data concerning the course of Red River that La Salle and Tonti could have gained, and apparently did gain, at the Tensas or the Ouma village and that Tonti proved correct in February-March, 1690, before his experience in the flooded lands. For biography of Jean-Baptiste-Louis Franquelin see P. G. Roy, "Un Hydrographe du Roi à Quebec," Royal Society of Canada *Proceedings and Transactions for 1919*, third series, section 1, pp. 47-59. Internal evidence dates as follows three maps created by Franquelin in quick succession: I. *Amerique Septenlle* (Affaires Etrangères), begun in Quebec about August, 1683, and never finished. This contains the geographical data, but not the cultural data, to which Franquelin returned in his maps of the years following 1684. II. *Carte de la Louisiane* (Bibliothèque Nationale, GeDD 2987, No. 8782), drawn in France about January, 1684, to illustrate Governor La Barre's indictment of La Salle. This map is not published in the United States. It is the principal source of the contemporary secondary map (*cf.* Margry, *op. cit.*, II, 429) widely published in the nineteenth century as Franquelin's map of 1684. III. A map, title unknown, drawn in France about February, 1684, for La Salle and deposited in the Archives of the Fortifications, whence it has disappeared. It is known to-day only in a revised copy, *Carte de la Louisiane* (Service Hydrographique, Bibliothèque, C-4044-4), made by La Salle's officer Minet, who said (Margry, *op. cit.*, II, 603) that he took from "La Salle's map" the data of the Mississippi and the great lakes. Minet's map correctly revises the data of the Franquelin-La Barre map, both for the Illinois Country and for the Arkansas.

[24] Margry, *op. cit.*, I, 560 (Nicolas de la Salle).

[25] *Ibid.*, I, 604 (Tonti-1684).

it might perhaps widen to be a lake such as that through which the Spanish survivors had sailed their barges a century and more earlier; beyond, it might narrow to a reedy outlet into the sea such as that through which Spanish survivors had won a passage among the arrows of Indians. Only one other divergent channel on the right bank far down the Frenchmen's own great river seemed worthy of note in accounts of their voyage. No similar channel on the left bank gained mention.

On the voyage of return a bayou pierced one bank or the other for Tonti, if not for La Salle. The spring rise dominated the Mississippi as the expedition struggled up past the Natchez. Then La Salle with a lightened canoe hurried on ahead. Tonti, with canoes heavily laden, made slow progress until an Indian, encountered by chance, showed them a lateral route that shortened their journey by twenty leagues and brought them to a camping place before La Salle had reached it by way of the river's meanders.[26] In a later year Tonti did not forget that the bayous might provide a road shorter than that of the great river's main channel.

Tonti made a second Mississippi journey in the early months of 1686, hoping vainly to meet at the river's mouth the nautical expedition that La Salle had led in that direction from France in a year of brief war with Spain. While Tonti was hurrying back to his headquarters in the Illinois Country, France and Spain were at peace, but a letter from the French government was starting on its way to Tonti ordering him to be ready at any moment to take part in the Iroquois wars.[27] Therefore Tonti in 1688 was not free for another southerly voyage. In September of that year assurance came to him at his fort on the Illinois River that La Salle had died in Texas without firmly establishing a colony there or finding a great river in the southwestern plains and marshes. Tonti sent one of his men on a fruitless journey to confirm the news from Texas. Late in 1689 Tonti learned that Spain and the Great Alliance had declared war upon France in the previous February and that the governor in Quebec had no immediate need of his services. Tonti decided to gather La Salle's colonists in Texas and also the eager Caddo Indians and raid the Spanish settlements of New Mexico. With five Frenchmen

[26] *Ibid.*, I, 568 (Nicolas de la Salle.)

[27] (Seignelay?) to Tonti, May 31, 1686, in Theodore Calvin Pease and Raymond C. Werner, eds., *The French Foundations, 1680-1693* (Springfield, Ill., 1934), 82.

and three Indians he left the Illinois Country in December. On January 27, 1690, after a halt on the lower Arkansas River,[28] his pirogue entered a west bend of the Mississippi below the Arkansas mouth and within the modern state of Arkansas.

Down the south center of the state of Arkansas to a junction just above the Louisiana state line, two branches of the Ouachita River flow into a lowland that in springtime used always to become a lake. From this junction the united stream continues southward and southeastward to merge with other rivers at Sicily Island. Bayou Bartholomew, from heads near Pine Bluff on the Arkansas River, flows first southeastward and then southward between high banks of its own building[29] to join the Ouachita not far above that strategic point where the Spaniards once built a fort.[30] The southeasterly lower course of the Ouachita and the southerly course of its continuation, Black River, are determined by the western upland,[31] under the escarpment of which they flow. When a great flood breaks the levees built by rivers and by men, flood waters spread in one sheet from the western height to the bluffs of Vicksburg and Natchez beyond the Mississippi. In such a great flood only the narrow crest of Maçon Ridge still rises out of water.[32]

Various heads on the Mississippi between the Arkansas and Lake Village give rise to another stream, which the long, narrow Maçon Ridge divided into two above Eudora..[33] The western fork, the Boeuf (Rivière des Boeufs), meanders between rather high banks southward through the western lowland.[34] The eastern fork, Bayou Maçon, pursues a straight course, and therefore a short course, along the eastern edge of the ridge, and lowland stretches eastward to the Mississippi. At Sicily Island, the southern point of the ridge, on the boundary between Franklin and Catahoula parishes, the Ouachita and the Boeuf preserve

[28] Kellogg, *op. cit.*, 312-313 (Tonti-1693).

[29] *Flood Control*, III, 1491; Joutel in Margry, *op. cit.*, III, 432, tells of crossing it.

[30] *Louisiana Historical Quarterly*, XX (1937), 463-485.

[31] The Terres Hautes, which the Spaniards called the Collados. One part, west of Sicily Island, was known as the Côtes Saint-Cyr. See eighteenth-century map of Le Page du Pratz, *Histoire de la Louisiane* (3 v.; Paris, 1758), I, 139; nineteenth-century maps in *Louisiana Historical Quarterly*, XX (1937), 306, 374, and Dunbar Rowland, ed., *Mississippi Historical and Statistical Register* (Nashville, 1908); various contour quadrangles among those published by the Mississippi River Commission, Vicksburg; *Flood Control*, III, 1795, and folding map. Bouligny to Gálvez, Aug. 4, 1778, AGI, Papeles de Cuba, Legajo 2358, describes at length the Ouachita-Black, the uplands, the escarpment and the lowlands.

[32] *Cf. Flood Control*, III, 1401, 1492; VI, 4195.

[33] *Cf. ibid., III*, 1467; VI, 4123. Because of modern levees, in some cases natural levees, these bayous are now inconsiderable in their upper courses.

[34] *Ibid.*, VI, 4195.

distinct channels as they pass side by side through a narrow space between that point of the ridge and the southwestern escarpment to join Bayou Maçon.[35] Since the lowland both west and east of the ridge was subject to overflow, Tonti learned of no Indian villages there. Late in the spring of 1690 he was to visit a village of the Coroa on Bayou Bartholomew at distances that he quoted as three days from the neighborhood of Sicily Island and not more than twenty-three leagues from his trading station on the Arkansas River, near the modern village of Arkansas Post.[36]

Out of a west bend of the Mississippi not south of the modern Lake Village,[37] Tonti turned his dugout into a west fork that offered a route to the Caddo villages 50 or 60 leagues shorter than the route down the main channel and up the lower Red River. He sent two of his men six leagues overland to Bayou Bartholomew to summon down that bayou French traders whom he supposed to be in the Coroa village.[38] Two days later he camped at Sicily Island, where the Ouachita and the Boeuf ccme in from the west.[39] With forces increased by return of

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[35] Popular atlas maps show only a minor connection between Bayou Maçon and the twin river mouths; *cf. Flood Control*, III, 1795; *Louisiana Historical Quarterly*, XX (1937), 477, 478. In the two sources of the latter citation, as in the case of Tonti, Bayou Bartholomew is regarded as the principal stream (Bayou des Courrois, Rivière des Coroa) and the Ouachita, above the confluence near Bastrop, as the tributary.

[36] According to Tonti's data the Mentou village was in Drew or Desha County near McGehee, Ark.; the Coroa village, in Ashley County, near Wilmot, Ark. From Sicily Island to Wilmot is a distance of about 77 miles, or about three *journées*. In Tonti's time the young mapmaker Delisle set the Coroa Village on the right (westerly) bank of a river that he may have intended as Bayou Maçon; his data are scanty: Guillaume Delisle, *Carte des environs du Missisipi, Donné par Mr. d'Iberville en 1701* (SHB, C-4040-4.) Father LeMaire, a resident of Louisiana and of Pensacola, located it east of the east fork (Bayou Bartholomew? Boeuf? Maçon?) of the Ouachita or of the Black: J. F. Le Maire, *Carte nouvelle de la Louisiane, 1716* (Bibliothèque Nationale, GeD 7883.) The absorption of the Coroa by the Natchez, as assumed by some writers, needs not be accepted without reservation in view of these maps and of Diron Dartaguiette's journal in Newton D. Mereness, ed., *Travels in the Amreican Colonies* (New York, 1916), 51, 87. The name appears variously as Coroa, Courrois, Akoroa, Icouera. A name apparently of this tribe and read as "Icara" is found in 1755 in correspondence of Texas: *Southwestern Historical Quarterly*, XVI, 367.

[37] Because south of this point the distance between Bayous Maçon and Bartholomew is increasingly greater than six leagues.

[38] The text of Tonti-1693 as read by Margry, *Relations*, 28-29, with Margry's punctuation, runs as follows: "J'envoyay deux de mes gens aux Coroa pour aller chercher des François et leur donner rendez-vous au-dessous de leur rivière, pour m'épargner la peine d'y traisner notre esquipage six lieues dans les terres. . . Nous couchasmes vis-à-vis des rivières: des Taença qui venoient des Akansas nous trouvèrent. Le deuxiesme étant arrivez au rendez-vous. . . . Le quatriesme nous dérivasmes, nos gens estant arrivez. Le cinquiesme, estant vis-à-vis des Taença. . .", i. e., opposite the mouth of the Tensas River; such phrasing is one of Tonti's habitual peculiarities. A route reaching the Mississippi a few miles below the Tensas village led by way of the Tensas River and the eastward extension known as Ouilla, or Fil Cassé, which now bears progressively eastward the names Little Tensas River, Little Tensas Bayou and Bayou d'Argent; the latter forms part of the boundary between Tensas and Concordia parishes. See map of (Régis du Rouillet?), *Route de l'armée française depuis le Mississipi au fort des natchez* (SHB, C-4044-51.)

[39] Tonti left Torimans (which was at the Arkansas forks) on Jan. 27 and reached Sicily Island on Feb. 1. Distances are as follows: Arkansas forks to present mouth of Arkansas River, 17 miles; Arkansas mouth to Cypress Creek, uppermost head of Bayou Maçon, 24 miles; Cypress Creek down Bayou Maçon to Sicily Island, "about 155 miles" (*Flood Control*, III, 1792): total, about 196 miles or 81 post leagues in six days of travel with the current. The distance on the meandering Mississippi in "miles below Cairo, old routing," between Cypress Creek and the Tensas village site is 221 miles.

his messengers and by access of Indian friends from the Tensas village, he started soon down those meanders of the lower Ouachita that eighteenth-century Frenchmen called Black River. At Black River's mouth he turned up Red River twelve leagues by canoe and continued on foot another twenty leagues before he reached the first Caddo villages, at a distance therefore of three *juornées* from the mouth of the Ouachita-Black.

Ten years later Tonti on the Mississippi looked for the fifth time into the mouth of the Red. He meditated that his eighteen years in this wilderness had brought him no knowledge of that river in its lowest course; because, as he wrote to his brother, dropping into the Italian speech of their childhood and their home hearth, three *journées* below the first village known to him on that river he had found another stream leading up toward Canada.[40]

Leading his expedition to the upper Caddo villages near modern Texarkana went Tonti in February and March, 1690, and then on into a Texas adventure from which he returned to the villages disconsolate not many weeks later. With horses now and with a Caddo guide he set out for his Arkansas post on May 17, following such a trail as that followed years earlier by men bearing news of La Salle's death. From the site of Texarkana the route of 1687 had averaged, necessarily, a direction of east northeast, crossing the upland above the area where the Ouachita formed a springtime lake.[41] Perhaps near the west branch of the Ouachita, Tonti's Caddo guide deserted him. Bemused by the false longitude of La Salle, Tonti turned toward the southeast to correct what he thought the guide's excessive northering.[42] He arrived at the "River of the Coroa" perhaps near the site of modern Bastrop, La.

At the river bluff the upland came to an end. Beyond lay a flooded lowland, a swamp, a forested sea of fresh water, through which La Salle still told Tonti it was necessary to pass in a southeasterly direction in order to reach the Arkansas post.

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[40] Tonti to his brother, Fort Mississippi, March 4, 1700, *Mid-America*, XXI (1939), 225. Tonti's word translated here as *stream* and read by Delanglez, Tonti's modern editor, as *rochet* appears to be a French phonetic spelling of Italian *ruscello, ruscei*, perhaps as abbreviated in the Tonti family's native Neapolitan dialect. This word, like French *ruisseau* in popular eighteenth century usage, may be applied to a river of considerable size. *Cf.* also Norman *russet*; *cf.* Bayou du Rosset, Mississippi right bank, Palmyra Lake, 633 miles below Cairo, 410 miles above Head of Passes.

[41] Margry, *Découvertes*, III, 424 (Joutel). The only published map found to show heights of land in this part of Arkansas is the folding map accompanying *Flood Control*.

[42] *Cf.* Franquelin's maps for false longitude.

Tonti abandoned his horses. A raft served to start him and his men upon an aquatic southeastern march in which they occupied one month's time for completing three or four *journées*. Up to the ankles in water, up to the hips, to the shoulders, stopping every 300 yards (as Tonti said in recollection) to build new rafts, they struggled at last out of water and on to the never flooded crest of Maçon ridge. Beyond the ridge Tonti saw and recognized the familiar unflooded bank of the Mississippi River. Thus Tonti named that stream six or eight months later when he sat writing in his Fort St. Louis of the Illinois, but a mere stream he called it nine years still later. Three days of march up the dry land of Maçon ridge brought exhausted men to hospitality in the Coroa village, about two *journées* south of the Arkansas post.[43]

La Salle had searched Texas for a great river lying west of the Mississippi. Tonti had found it in La Salle's own Louisiana. Black River below Sicily Island is in fact a river of noble proportions, nobly meandering. Before the time of the levees the route of Bayou Maçon and Black River was almost as truly the Mississippi as was the main channel many miles eastward. Down this great river, this *río grande*, this western Mississippi, down the Red, down the Atchafalaya, through Grand Lake, through a reedy outlet and into the sea, Tonti might have travelled if he had wished. He would have followed such a route as one of De Soto's men described in telling how the Spaniards of 1542 had fled from the wilderness, down a *río grande* whose description La Salle could not recognize in his own great river.

On La Salle's great river La Salle's missionary of 1679-1680, Father Hennepin, performed in fancy more journeys than he performed in fact. As one basis of his fiction, published in his native Netherlands in 1697 and published as truth, he used the relation of La Salle's chaplain of 1682, Father Membré, which a group of ingenious editors had published in 1691 as part of

[43] *Kellogg, op. cit.*, 320-321 (Tonti-1693) Tonti in his relation overestimates the length of his journey, especially of his passage through the flood. The relation was accompanied by a letter: Pease and Werner, *op. cit.*, 276-282; translation also in Benjamin Franklin French, *Historical Collections of Louisiana* (5 v.; New York, 1846-1853), v. 1. In these two texts Tonti gives the necessary minimum of information that permits location of all points mentioned. By indirect route, the point where he turned southeastward was reached after four days of difficult travel totalling therefore less than forty leagues. The Mentou village was forty leagues by direct route from the Caddo villages and ten leagues from the Arkansas post; therefore not far from the prehistoric mounds near McGehee, Ark. The Coroa village was thirteen leagues in a southerly direction from the Mentou village. It was distant three days of march by exhausted men from the point where Tonti emerged from the swamp, in which he had found only one small island. The end of the swamp journey was therefore on Maçon ridge at or above Sicily Island, and Tonti's Mississippi is Bayou Maçon.

the Reverend Chrestien LeClercq's *Premier Etablissement de la Foy.* Out of that earlier text Buck Island Bayou arises even to-day to reveal a romancer. La Salle had acknowledged the existence of Buck Island Bayou and the Coldwater-Yazoo, as well as of Yazoo Pass, Deer Creek and Steele's Bayou, when he wrote, "Above the village of the Arkansas there is one big island, or rather several, which are sixty or eighty leagues in extent. We took the western channel when we went down."[44] Two of his companions confirmed his words in their respective fashions,[45] but these three texts did not attain to the dignity of print. Father Membré put the great island, "more than sixty leagues in length," into the paragraph in which he told the embarrassing story of the unnamed Yazoo Pass and the unnamed guide. Embarrassment to the friends of La Salle was avoided when this paragraph came to print, in the *Premier Etablissement de la Foy,* out of place in the relation and seeming to refer to some point below the Natchez. The great island, therefore, seemed also to be below the Natchez. Below the Natchez Hennepin put it, sixty leagues long, in his book of 1697.[46] Few persons read LeClercq's book. All interested persons quickly learned of Hennepin's. Many read it. Many believed it to be truth.

The number of credulous folk in France did not include Pierre Le Moyne d'Iberville, a Canadian who had gained in Canada some acquaintance with Hennepin's character. In the year 1699 it was Iberville's duty not only to discover the mouth of the Mississippi by way of the sea but also to prove to all France that the river of his intended discovery was the river of La Salle. Therefore he must try to find a 60-league island below the Natchez. No need remained to consider territorial claims of a Spain exhausted by war with France. Within two years a prince of the French royal house was to ascend the Spanish throne. Iberville searched, without too much expectation, for a 60-league island as his small boats mounted the river from the Gulf. On the left as he ascended he found the broad River of the Ouachas, which he thought to be a tributary. He found the bayou afterward to be called Plaquemine. On the right he found the backway to Biloxi, the Ascantia, later to be called Iberville River or Bayou Manchac. Under the name of

[44] Margry, *op. cit.*, II, 200 (La Salle); *cf.* distances quoted in note 13, above.

[45] *Ibid.*, I, 555 (Nicolas de la Salle), 600 (Tonti.)

[46] Louis Hennepin, *Nouvelle découverte d'un très grand pays* (Amsterdam, 1698, reprinted with new titlepage from first edition, Utrecht, 1697), 268.

River of the Chickasaw the Yazoo came to his knowledge, but no Indian could tell him of a 60-league island below the Natchez. Somewhat after the fashion of Louis Joliet the Indians said that the great river of Father Hennepin did not fork.[47]

Back to his ships waiting in Mississippi Sound Iberville paddled a Canadian canoe in the month of March. Bayou Manchac offered him a sufficient depth of water, but a mass of driftwood and windfalls barred passage of any boat not capable of being portaged.[48] Up from the Mississippi mouth in the following February came his brother Bienville, knowing now that the River of the Ouachas was a fork, if not the fork of Hennepin. Yet on the twenty-fifth the ironical Jesuit missionary accompanying him wrote in his diary, "The famous Fork of the Mississippi is now in sight. It is not surprising that M. d'Iberville passed it without noticing it."[49] Today the irony is forgotten. The name endures. The waterway that the brothers Le Moyne in derision of Louis Hennepin named La Fourche is still La Fourche.

Frenchmen resident in Louisiana gave little thought to one fork or another in the years next following. Yet Bayou Manchac looked important on the map as a way of communication with the lakes and as a moat already dug to protect a city's unbuilt walls. When John Law's colonizing company decided in 1718 to build a city on the Mississippi banks it instructed its chief engineer that the best site would be "on Bayou Manchac, conforming the city wall to the bank of the great river and to the bank of the bayou." But the engineer died on the way to Louisiana. Other colonial officers chose a site farther down the great river and, one year later, found that they had chosen a site below the water level of spring floods.[50]

In succeeding years the growing village of New Orleans directed its attention to opening a bayou route to the oak and cypress forests of Barataria.[51] La Fourche gave access to the westerly coast and thus to the Têche. Pirogues could navigate Bayou Plaquemine except for down timber and the tree trunks that the river in flood jammed into the bayou's head. In Bayou

[47] Margry, *op. cit.*, IV, 166, 168, 172, 179 (Iberville.)
[48] *Ibid.*, IV, 184-185.
[49] Ruth Lapham Butler, ed., *Journal of Paul du Ru* (Chicago, 1934), 18.
[50] Marc de Villiers du Terrage, *Histoire de la Fondation de la Nouvelle Orléans, 1717-1722* (Paris, 1917), 31, 39-41.
[51] *Louisiana Historical Quarterly*, XXIII (1940), 438-439.

Manchac other tree trunks, such as those among which Iberville had scrambled, rotted undisturbed and were melted away to give place to other jetsam of the river and to windfalls from the bayou's banks. Yet on the map Bayou Manchac still seemed an important road to and from the lakes. In negotiations of the year 1762 Great Britain gained from France a cession of all Louisiana east of the Mississippi except the Isle of Orleans; Bayou Manchac was to be the intercolonial boundary and at last a road of communication.

In May, 1764, General Gage in New York was hoping that the newly British Pensacola had already sent officers to start the opening of Manchac in the nine miles of innavigable extent that lay just eastward of the Mississippi. Shallow water on the bar made worthless the Mississippi mouth as a deep-sea port. Small boats from the deep-sea port of Pensacola might better travel through the sound, the lakes, the Amite and Manchac than past New Orleans, where unfriendly Spaniards soon would be in control. In August, 1764, Captain Campbell of the British forces began the bayou project with fifty Negroes; after six weeks' work the driftwood and down timber had yielded passage only for a small pirogue. Work continued during the rest of a half-year. In the following February Governor Johnstone of Pensacola felt satisfied with it and with his plans for a British settlement at Manchac's head. "There is no place," he wrote, "of so much consequence to this province as that settlement, now the Ibberville is opened, and which will command the whole trade of the Mississippi."[52] Unfriendly Indians burned the storehouse that the British army built there, but early in the following year the British began to build Fort Bute, 400 yards above the head of Manchac. The Mississippi proved more friendly than the Indians; the spring floods of 1765, 1766 and 1767 did not too firmly block the new highway with tree trunks.[53]

If the British thought Fort Bute necessary to divert the great river's commerce from New Orleans, the Spaniards held a similar view of their own interests when they came to assume rule of Louisiana from the departing French. In 1767 they

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[52] Clarence Walworth Alvord and Clarence Edwin Carter, eds., *The Critical Period, 1763-1765* (Springfield, Ill., 1913), 249.

[53] Alvord and Carter, eds., *The New Régime, 1765-1767* (Springfield, 1916), 186, 304. *Trade and Politics, 1767-1769* (Springfield, 1921), 339. British, French and Spaniards followed various practices in distinguishing between Bayou Manchac, the Iberville River and the Amite River.

began the construction of forts, one on the Mississippi right bank one league below and opposite the British Natchez[54] and one on the left bank on the Spanish side of the intercolonial boundary. Fort San Gabriel de Manchac soon arose there, twelve yards from the southerly bank of the bayou and eight yards from the bank of the river. From this point of land where the Mississippi Company once had thought to found a provincial metropolis, Spanish soldiers could gain a view not only of the British fort 400 yards beyond but also of a curving league of British riverside. Even if the British government should never station a full regiment at Fort Bute, the Spanish post was a post of potential importance, since down the Pearl River and up the Amite and Bayou Manchac the British might easily bring all the forces of Natchez to make war upon the traditional enemy, Spain.[55]

The spring rise of 1768 gave the British reason to trust the Mississippi no more than they trusted the Spaniards. It packed the head of Manchac with driftwood.[56] The British abandoned hope for Manchac as a highway, demolished Fort Bute and shipped to Pensacola its artillery and the garrisons of both Fort Bute and Natchez.[57] In the following year the Spanish governor in New Orleans (or rather at the Balize) removed the garrison and the Acadian settlers from the Spanish Natchez, which soon rotted away. He withdrew the garrison from Manchac also and let six German families occupy the buildings of Fort San Gabriel.[58]

In the spring of 1775 another governor in New Orleans became aware that war threatened with Great Britain. Under orders from New Orleans Lieutenant Thomás de Acosta, the commandant of Manchac, succeeding the German settlers, used profits of his trade concession to build a stockade around the house of San Gabriel. Presence of British engineer troops, camped beyond the bayou, promised him early in 1777 that a new Fort Bute would arise soon within his view.[59] Next year the promise was fulfilled; instead of a water channel a wagon

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[54] Piernas to Ulloa, one league from Natchez, May 19, 1767, AGI, PdeC, Legajo 2357.

[55] Acosta to Gálvez, Jan. 31, 1777, AGI, PdeC, Legajo 2351; *cf.* Hutchins, *op. cit.*, 42, 43.

[56] Alvord and Carter, *Trade and Politics*, 339.

[57] *Ibid.*, 485-486; Hutchins, *op. cit.*, 42; Ulloa to Grimaldi, Oct. 6, 1768, No. 1, AGI, ASD, 86-6-6.

[58] O'Reilly to Arriaga, Dec. 29, 1769, No. 25, AGI, ASD, 80-1-9.

[59] Acosta to Gálvez, Jan. 31, 1777, as cited.

road provided communication with the eastward.[60] Across the narrow bayou that was an international boundary two forts again stared at each other. Across this boundary, to Fort San Gabriel and the hospitality of Lieutenant Juan de la Villebeuvre,[61] a rebel American officer sent Henry Stuart, British Indian agent for the Southern Department, fleeing "in his shirt" from a Fort Bute that fell in 1778 before the attack of northern patriots.[62]

The new Spanish government of Louisiana had turned its thoughts to other bayous also. The Long River that heads at Red River's mouth became a route to settlements made earlier by Acadian refugees when in 1768 the governor furthered the cause of poetry and romance by indicating that other Acadian refugees, who might descend the Ohio and the Mississippi, should continue to Opelousas by way of the *estero de Chafalalla.*[63] A shorter route between New Orleans and the western country underwent a first improvement in 1770. From time to time during that year and the following year residents of Opelousas and St. Martinville travelled to the head of Bayou Plaquemine, cut pilings and at last set them up as an open palisade or grill on the batture or placer guarding the Bayou's head, in order to refuse the river's annual contribution of driftwood. Since one-fifth of the population near Fort San Gabriel consisted of Landrys,[64] it was suitable that a member of this family, an experienced engineer with knowledge of British experiments in canalization, should be summoned to inspect the completed work.

Louis Landry found occasion later to insist that circumstances, and not his own interest in the Christmas holidays, delayed his arrival on tour of inspection. Circumstances delayed his arrival so long that on December 21 the visitors from the Têche dedicated their public work without official approval and went to pass the holidays at home. A week or so later Landry looked upon the improvement with no approval at all. The palisade extended out like a pier at right angles from the river

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[60] Hutchins, *op. cit.*, 42, 44.

[61] Mentioned as commandant in Gâlvez, to Navarro, July 13, 1778, No. 91, reservado, AGI, PdeC, Legajo 2351. He had succeeded Piernas as commandant of San Luis de Naches; *cf.* "taking of possession," May 28, annexed to Piernas to Ulloa, May 19, 1767, as cited; O'Reilly to Arriaga, Dec. 29, 1769, as cited.

[62] James Alton James, ed., *George Rogers Clark Papers, 1771-1781* (Springfield, 1912), 67; John Walton Caughey, "Willing's Expedition down the Mississippi, 1778," *Louisiana Historical Quarterly*, XV (1932), 5-36.

[63] Ulloa to Grimaldi, Feb. 2, 1768, AGI, ASD, 86-6-6.

[64] *Plan des Etablissemens de Sa Majé Catholique a la Riviere D'Hiberville*, Biblioteca Nacional, Madrid, Bellas Artes, 19-1, a.

bank, instead of like an oblique wing to shunt driftwood away and into the river's current again. The pilings were so close together (or, as it might be, so far apart) that a treetrunk striking head-on would wedge its head between two piles and then, turning with the current, uproot both. The inspector thought the piling to be all wrong. The Mississippi put itself into agreement with him. Within two months, on February 18, 1772, Landry wrote from the Royal Fort San Gabriel to report that the river had torn away two-thirds of the palisade and the head of Bayou Plaquemine again was full of trees.[65]

Gabriel Fuselier de la Claire, to whom Louis Landry had reported in December, served the Spanish colonial government as militia commandant and local magistrate (*teniente particular*) of both Opelousas and St. Martin's of Attakapas.[66] For more than twenty years his name had associated itself with trade in Louisiana. Despite the failure of his project of the 1770's for improving the route to the Têche it would be suitable if he were remembered today as one father of the intracoastal waterway, which in Bayou Plaquemine takes up one of its western routes with a guaranty of ten feet of water for traffic bound to Morgan City. Another name long associated with colonial development west of the river is that of Jean-Bâtiste Degruis, who dreamed in the year 1791 a dream of deep water. To Governor Miró and the government of New Orleans Degruis proposed a grand plan of opening the 3-league length of Bayou Plaquemine to a depth not of ten feet but of twelve feet as far as the old Chetimachas Indian village and to carry such a trade route as far as the Têche and Opelousas by way of whatever bayou might seem most proper. He offered also to improve navigation on the Atchafalaya.[67]

If the proposal of 1791 did not gain action in the trying last years of the eighteenth century, some residents along the Têche remembered their grand plan. In 1802 a governor in New Orleans found the problem of Plaquemine still demanding attention. A petition from the Têche he referred to the commandant of that district. The resultant report informed him that four-fifths of the population of Opelousas preferred the familiar route,

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[65] Luis Andry to Fuzilier de la Claire, Dec. 31, 1771, same to Unzaga, Jan. 1, same to same, Feb. 18, 1772, AGI, PdeC, Legajo 2357.

[66] Relación, O'Reilly to Arriaga, Feb. 4, 1770, No. 11, AGI, ASD, 80-1-9; Andry to Unzaga, Jan. 1, 1772, as cited.

[67] Degruis to the governor-and-intendant, Jan. 22, 1791, AGI, PdeC, Legajo 2368.

longer but more certain, of Bayou La Fourche.[68] Bayou Plaquemine reserved itself for final treatment in a succeeding century.

The nearby bayou of the left bank also had persevered in public interest. Early in 1777 Governor de Gálvez detached Brevet-Lieutenant-Colonel François Bouligny from active duty as commander of the Infantry Battalion of Louisiana, appointed him lieutenant-governor of the province[69] and assigned to him the privilege of considering various interesting regions. Colonel Bouligny knew that Manchac held importance in the eyes of the governor, who was intending to establish the Villa de Gálvez on the Amite River. Yet honestly and with disapproval Bouligny considered Bayou Manchac. He found it to be a route possible only for pirogues even at high water and filled every spring with driftwood. Cleaning out the bayou would be not only costly but useless unless a wing levee, at the mercy of the river's violence, should be set along the bayou's low northerly bank, in British territory, to ward off driftwood in the spring.[70] This back way to Biloxi seemed to lose its importance in 1779 when Governor de Gálvez took possession of Fort Bute, Baton Rouge and Natchez and prepared for his conquest of all British West Florida. Fort Bute and Fort San Gabriel became as useless as the bayou and soon went out of existence.

Bayou Manchac regained an air of political importance in 1802 when Robert R. Livingston, American commissioner in Europe, proposed to acquire sovereignty of Spanish West Florida for the United States, canalize the bayou and thus lead American commerce to and from the sea and the river without passing by New Orleans.[71] Bayou Manchac became a controversial international boundary late in 1803 when Louisiana and the Isle of Orleans, if perhaps not western West Florida, passed to ownership of the United States. The American government no longer felt interest in Manchac as a means of communication between the Mississippi and the head of lake navigation on the Amite. Yet its citizens in the north were still reading in the 20-year-old book of Captain Thomas Hutchins that in May, June and July "vessels drawing three to four feet or more may then pass from one to the other."[72]

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[68] Luis de Blanc to Salcedo, Attakapas, Feb. 3, 1803, AGI, PdeC, Legajo 2368.
[69] Gálvez to Bouligny, April 2, 1777, AGI, PdeC, Legajo 2358.
[70] Bouligny to Gálvez, Dec. 3, 1778, and annex, AGI, PdeC, Legajo 2358.
[71] Isaac Joslin Cox, *The West Florida Controversy, 1798-1813* (Baltimore, 1918), 73-74.
[72] *Cf.* Hutchins, *op. cit.*, 44.

To give to the upper country the benefits of southern commerce and some encouragement in shipbuilding, the United States government established at Marietta, Ohio, the facilities of an ocean port of clearance. Before the end of the year 1805 two ships, seven brigs and three schooners had been built there to pass down the Ohio and the Mississippi and to the Gulf. In the spring of that year one mariner had a schooner of Marietta finished and loaded for the most part with flour. The schooner "was small, being only of 70 tons burden; of a light draft, intended to run on the lakes east of New Orleans . . . . She was completely rigged except in sails, of which she had only one large square sail, this being thought sufficient to navigate her to New Orleans, where a full suit was to be purchased."

Bound not to the New Orleans levee by way of the lower Mississippi, but to the mouth of Bayou St. John by way of the lakes this schooner sailed. Though Bayou Manchac in the spring flood flowed invitingly full of water, the channel was choked with "rafts" and windfalls. In 1764 six weeks of work by fifty Negroes had opened only a pathway for a small pirogue. In 1805 a small crew of pioneers from the Ohio made shorter work of carrying a 70-ton schooner on an inland voyage. At Galveztown, the late governor's Villa de Gálvez on the Amite River,[73] the northerners recognized success when they saw a little coasting vessel that had come from Pensacola through the sound and the lakes.[74]

Nearly three years later, in February, 1808, the coasting schooner *Précieuse Ridicule* made from Pensacola to Galveztown a voyage intended to explore not the well-known waters to the eastward of Manchac but the character of President Jefferson's embargo, effective since January 1 of that year. General Vicente Folch, governor of Spanish West Florida, visiting New Orleans in January and February, had discussed with Governor Claiborne of Orleans Territory the custom of carrying eastward the American provisions on which Pensacola depended for existence. No one objected that Baton Rouge and the surrounding district of West Florida should continue to import provisions bought from American flatboats on the Mississippi; yet in February Governor Claiborne refused to acknowledge a Spanish right to carry such

[73] *Louisiana Historical Quarterly*, XIII (1930), 553-609.
[74] *American Pioneer*, I, 90 ff.

imports eastward, in Spanish boats and ships, through an international channel, through international lakes and through the international sea, from one port in West Florida to another port in that same Spanish province.[75] No other means of traffic existed; the wagon road that the Spaniards had planned to build did not extend west of Mobile.

Putting Governor Claiborne's refusal to the test, Philippe Ferret, skipper of the *Précieuse*, and Jean Villiers, a Spanish purchasing agent, brought their schooner into the Amite River about the first of March and anchored her on the Spanish side opposite American Galveztown. In a small boat they went as far as water would carry them in the Iberville-Manchac and then walked overland to Baton Rouge. There from American flatboats they bought provisions for Pensacola. Returning with their shipment they found that Americans had closed to them the international waters above Galveztown by felling cypress trees into the channel from both the American bank and the Spanish bank. Not space enough remained for the passage even of a pirogue. The provisions went back to Baton Rouge; the two men made their way to the landing where their anchored schooner awaited them. Between Galveztown and Lake Maurepas they found the international pathway barred by an American gunboat anchored on the Spanish side with a chain stretched across the Amite River to the Isle of Orleans. The Spanish schooner in Spanish waters had no choice but to submit to a search for contraband provisions before the Americans would permit her to sail on, empty, to Pensacola.[76]

Late in the year Captain Charles de Grand-Pré, commandant of Baton Rouge, ended his term of service by permitting subjects of the absolute Spanish monarchy to form a sort of delegated town meeting, somewhat after the free American fashion. Under his successor, Charles Duhault Delassus, the town meeting proposed to spend royal tax money in improving Bayou Manchac as the British had sought to improve it forty-five years earlier. The four members recommended the removal of driftwood and down-timber from the channel, the clearing of one bank (not the swampy southern bank) to a width of ninety feet and the

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[75] Cox, *op. cit.*, 217-218.

[76] Folch to Someruelos, Pensacola, April 19, 1808, No. 88, reservado, and enclosures. AGI, PdeC, Legajo 1574.

building of a 9-mile road which in times of high water might be used as a towpath. All these betterments, with a few bridges also, would cost only $2,000, the members thought, or hoped. They thought that "a small expenditure in addition" would pay for a feeder canal a quarter-mile in length. They thought also that in a short time this canal "would give such force to the waters of Manchac that in a few years that channel would be navigable for large ships,"[77] despite the fact that in the dry season its dry bottom stood twenty-four feet above the level of the Mississippi.[78]

Promise that free government at last should spend tax money was given on December 7, 1810. On that day Governor Claiborne stilled revolution in western districts of the Spanish province by crossing the Mississippi from the American bank and proclaiming American sovereignty in West Florida under the Louisiana cession treaty of 1803. His proclamation was not to be fully confirmed until ten years should have passed by. Yet its practical effect made itself immediately felt. Bayou Manchac shrank from an international boundary to a ditch dry nine months out of the year. Time came when a northerner, adventuring a solitary journey down the Mississippi in a rowboat, searched for the bayou as a passage leading into Lake Maurepas. Along the river bank he found an uninterrupted line of levee. In dry security beyond the levee he might have visited the plantation homesteads of innumerable Landrys, but he would have found nothing else to see except a dry ditch that once had been a forked river's fork.

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[77] Fulton, Hickey, Sharp and Davenport to Duhault Delassus, Baton Rouge, Jan. 11, annexed to Duhault Delassus to Folch, Feb. 4, 1809, No. 251, AGI, PdeC, Legajo 2356; *cf.* Cox, *op. cit.*, 325-326.

[78] Alvord and Carter, *The New Régime*, 304.

THE DOCUMENTS SHOWING THAT THE UNITED STATES ULTIMATELY FINANCED THE WEST FLORIDA REVOLUTION OF 1810[1]

Edited by JAMES A. PADGETT

INTRODUCTION

Who financed the revolution in West Florida in 1810? This is proven in the following authentic documents. A bill to pay the claims was introduced. On Saturday evening, April 16, 1814, when the Senate of the United States resumed as a committee of the whole to consider the payment of claims of people who took part in the revolution in West Florida no amendments were offered. The bill was then ordered to be engrossed and read a third time, which was done by unanimous consent and passed.[2]

On Monday, April 18, 1814, the House received from the Senate the bill to liquidate certain claims "of those who took possession of West Florida before the United States interposed its arm to occupy the same." This bill was read twice and then at the instance of Mr. Robertson of Louisiana it was read a third time on the same day and passed.[3]

If there was any discussion over the bill in either house, no record of it is made in the official records.[4] Without any opposition, "An act to authorise the Secretary of State to liquidate certain claims mentioned" quietly passed both houses of Congress. It passed the Senate on one day and on the next working day it passed the House and on the same day President Madison by signing it made it an act of law. It merely stated:

> *Be it enacted, &c:* That the Secretary of State be, and is hereby directed to, liquidate according to principles of justice and equity all the claims of the inhabitants of the province of West Florida, now included within the limits of the state of Louisiana or of the Mississippi territory, for advances by them made for the use and benefit of the United States, prior to, and since, the taking of possession of the said portion of the said province of West Florida by the United States.[5]

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[1] West Florida Papers, Library of Congress.
[2] *Annals of Congress*, 13 Cong., 2 Sess., 772.
[3] *Ibid.*, Part II, 2028-2030.
[4] *Ibid., passim.*
[5] *Ibid.*, Part II, 2837; *United States Statutes at Large, VI, Private Acts, 1st to 28th Congresses*, Chapter LXVIII, 139. Approved April 18, 1814.

James Monroe, after much investigation, on December 30, 1815, appointed Reuben Kemper, one of the leaders of the West Florida Revolution, to collect these claims, vouchers, and evidence, which he proceeded to do.[6]

After spending much time collecting these claims, Kemper made his report to the President of the United States, who carefully checked the claims in his own hands.[7] Without opposition, or at least without enough opposition to be recorded in the official records,[8] these claims were cared for in the deficiency appropriation bill which became law on April 9, 1918, which bill included the following provision:

> For defraying the claims of the inhabitants of the late province of West Florida, for advances made for the use of the United States prior to, and since the taking possession of the said territory, as liquidated by the Department of State, including principal and interest, forty-one thousand three hundred and fifty-six dollars and seventy cents.[9]

The largest of these claims was the De la Francia claim for $9,454; however, the Secretary of the Treasury allowed him $11,850. This claim was not paid at the time the others were, but dragged along until August 14, 1848, when the interest alone amounted to $26,798.78, making a grand total of $38,648.78. On this day the President approved "An Act supplementary to 'An Act to authorize the Secretary of State to liquidate certain claims therein mentioned'; passed eigtheenth of April, one thousand eight hundred and fourteen." It reads as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State be, and he is hereby, directed to examine, according to the principles of equity and justice, the claim of Joseph De la Francia for advances made, for the use and benefit of the United States, prior to and since the taking of that portion of the late province of West Florida described in the act (approved eighteenth April, eighteen hundred and fourteen) to which this is a supplement, and included within the limits of the State of Louisiana, or of the Mississippi Territory, by the United States; and that such sum of money as he may find to be justly due

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[6] James Monroe to Reuben Kemper, December 30, 1815. A copy of this letter is found in West Florida Papers, Library of Congress.

[7] See documents published herewith, *passim.*

[8] *Annals of Congress, passim.*

[9] *United States Statutes at Large,* III, 422.

to the said De la Francia be paid to him or his legal representative, out of any moneys in the treasury not otherwise appropriated. Approved, August 14, 1848.[10]

According to the statement of John Farnsworth, this sum was paid on April 19, 1850.[11]

THE DOCUMENTS

(From V. Folch to commanding officer of Fort Stoddart)

In this firm confidence I run to you to use your influence and every other means that your Station may permit to dissipate the hostile projects that Reuben Kemper is preparing within the limits of the U. S. against his Catholic Majesty's Possessions.

I am fully persuaded that whatever steps are taken for the tranquility of these countries will have the approbation of your government and will further cement the Union and harmony that exists bewteen our respective nations.[12]

(Reuben Kemper to Richard Sparks)

(Copy)

Four Miles below Bunker's Hill
27th. Nov'r 1810

Dear Sir[13]

Yours of the 26th Inst. I have before me: should be happy to receive any communication interesting to our two governments, however it is out of my power to wait on you in person at Fort Stoddart at present.

I herewith deliver the two soldiers to Lieut Sam'l Noah agreeable to your request.—have only to observe that it is my wish that you should pardon any impropriety, that they may have committed in falling below the Line of 31 N. Latitude

With sentiments of esteem I am &c

Reuben Kemper
Col. Commanding the Convention Volunteers

P.S. Col. J.P. Kennedy is with me who presents his best wishes. But cant be suffered to visit you as requested.

R.K.

Rich'd Sparks Esq'r Lieut Col. Commanding
S. Noah Esq'r Fort Stoddart
No. 6 Col. Reub. Kemper to Col. R. Sparks

[10] *Ibid., No. 9, 29th-31st Congresses, 1845-1851,* pp. 736-737. August 14, 1848, CLXXIV.

[11] In the list of claims attached hereto.

[12] This is a folio sheet in Madison MS, from a letter of V. Folch, to the commanding officer of Fort Stoddart, November 13, 1810. Madison Papers, Library of Congress. This letter shows the protest of the Spanish against the United States being used as a place of attack on West Florida.

[13] Madison Papers, Library of Congress. This is not a letter relating to the claims of West Florida, but it does bear on the relations between the two countries.

(James Monroe to Reuben Kemper)

Department of State December 30th 1815

Sir[14]

By an Act of Congress entitled "An Act to Authorise the Secretary of state to Liquidate certain Claims therein mentioned" bearing date on the 18. of April 1814 the Secretary of State is authorized to Liquidate according to principles of Justice and Equity all the Claims of the inhabitants of the late Province of West Florida, now included within the limits of Louisiana or of the Mississippi Territory for advances by them made, for the use and benefit of the United States prior to and since the taking possession of the said portion of the said late province of West Florida by the United States.

To be able to discharge this duty it is necessary that an account of advances for which provision is to be made, should be prepared and submitted to my consideration, with the Evidence supporting it. When it is done, I shall proceed without delay to decide on each Claim on the principles presented by the Law according to my understanding of it, to the utmost of my ability.

To obtain this account no mode is prescribed by the Law. It appears to me adviseable however that some person should be authorized to collect the Claims, with the vouchers supporting each and to lay the same before this Department—a person residing in the quarter of the union interested in the Claims it is thought will be best qualified to perform this service, and you have been strongly recommended to this Department, I have thought it proper to commit the trust to you for which this letter will be authority. No Compensation being Provided by Law for this service, it must remain for the Legislature to decide whether any or what shall be allowed. I am sir with Respect

your very obedient serv't

(signed) Jas Monroe

Col. Reuben Kemper

Dec'r 30, 1815

Copy of Col'l Monroe's letter to Col'l Kemper

(Remarks of Richard Rush)

Remarks[15] upon the act of Congress of April 18, 1814, to serve, in part, as a guide to the 5th Auditor.

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[14] West Florida Papers, Library of Congress.

[15] *Ibid.*

The act of Congress of April 18, 1814 has made it the duty of the Secretary of State "to liquidate according to the principles of Justice and equity all the claims of the Inhabitants of the late province of West Florida, now included within the State of Louisiana, or of the Mississippi territory, for advances by them made for the use and benefit of the United States prior to and since the taking possession of the said portion of the said late province of West Florida by the United States".

In the execution of this act two questions arise. 1. What ought to be considered advances for the use and benefit of the United States? 2. What proof ought to be required of the Claimants?

The words of the act are very indefinite. Nothing appears upon its face, to show the nature of the advances contemplated. The term, in its ordinary acceptation, is more frequently restricted to money alone, than extended to other objects. Yet the probable intentions of the act would scarcely be fulfilled, by annexing to it a meaning so limited. It is believed that provisions, stores and all other articles for the subsistence, clothing and necessary accommodation of the Troops employed by the provisional Government, or convention, of West Florida was intended to be embraced, as well as money advanced for pay. Ammunition and arms, express-hire and the incidental Charges attending the business of the Convention, itself, may perhaps be put as further examples of the objects of expense, which the act in all probability intended to meet.

2. As to the requisite proof, the rule applicable in all other cases should be the governing one: viz, that the best attainable should be produced—Receipts, where money has been paid; bill of parcels, with receipts or due-bills given by some officer or agent, acting under the authority of the Convention, where articles have been supplied; certificates of officers of the Convention; the testimony of third persons acquainted with the facts on which a Claim is built; depositions of the Claimants, themselves, as supplemental Evidence, where, from the nature of the case, it is not possible that any other can be had, in itself full and complete:—these will form the general and leading proofs, by which Claims should be substantiated. Under this head, as under the first, the acting Secretary of State forbears to say more

by anticipation. He will always be ready to lend his aid and direction to the Auditor in particular cases, as they may arise. Under the large authority which the act gives, no objection is seen to the allowance of Interest, to stop, however, at the period when the act bears date.

Department of State, May 5, 1817.

Richard Rush,
Acting secretary of state.

(Daniel Brent to Mr. Pleasanton)

Dep't of State, June 12, 1817.

D Sir,[16]

Mr Rush did not consider the note in the margin of his "Remarks upon the act of Congress of April 18, 1814", communicated to you some time ago, as done away, tho' omitted in the coppy furnished today: and as Colo: Kemper seems to think it of importance in the settlement of his accounts, it is at his Insistance Mr. Rush's that I send you the transcript of it, subjoined: viz

"In confering with the President he inclines to think that the claim for vessels purchased & for salaries may also be allowed, on being well authenticated, not being easily distinguishable in principle from the others, and it being understood that the amount of all claims of whatever description, do not exceed 40,000 Dollars (forty thousand dollars)"

Department of State: Yr, Daniel Brent.

Mr. Pleasanton, 5th Auditor.

The Acting Secretary of State In relation to West Florida claims. May 5, 1817

(Reuben Kemper to Llewellyn C. Griffith)

Washington City 18th September 1817.

Dear Judge[17]

This will be handed you by my brother Cap. Glen Kemper Fauquier County who visits Alexandria on some business & promised to see you for me The Enclosed Paper layed in by Mr Alexander Beaudon as his Claim against the United States

[16] *Ibid.*
[17] *Ibid.*

for advances made to the Government of Florida has been suspended for more satisfactory evidence than accompaneys the Claim as you will see by the pensiling on the Claim by the Auditor Mr. Pleasanton should you posess any information relating to this Claim you will oblige me by giving it in writing whither in support of the Justice or the injustice please write on this note or if you Prefer to Copy myne so as to be on the same sheet & to file with the Claim which you will oblige me by returning by my Brother or as soon as conveniently you can Please also to let me Know when we may have the pleasure to see you in the City

Respectfully

Your Obedient Serv't

Llewellyn C. Griffith Esqr. Reuben Kemper
of Louisiana at Present in Alexandria Virginia
attention of Col John Kemper

Reuben Kemper to L.C Griffith 18th September 1817—filed in Beaudins Claim

(Llewellyn C. Griffith to Reuben Kemper)

Alexandria 19th Septr. 1817

Dr. Sir[18]

In answer to your enquiries on the Subject of Mr. Alexander Beaudin's Claim on the Florida Convention, I can only state that some time in the autumn of the year 1810 John Mills and C.M. Audibert were empowered by the Convention of Florida to make arrangements for fitting out a Naval expedition against the posts of Mobile and Penseccola. In pursuance of which they repaired to New Orleans for the purpose of making the necessary purchases set. I am not in posesion of any information respecting their transactions with Mr. Beaudin. But I am confident that the Signature of John Mills on the account for the Sum of $397.66/100 which appears to have been liquidated by the agents is the hand writing of that gentleman with which I am well acquainted.

With respect to the other account embracing the Sum of $1686, I can say nothing, only that about the date of Audiberts certificate thereon John Mills left New Orleans in great haste and repaired to the Fort of Baton Rouge, and that he died Some

[18] *Ibid.*

short time after at his residence in Florida which may account for the want of his Signature to it. I am Sir with much respect your Obedient Servant

Llewellyn C. Griffith

Colo'l Reuben Kemper
Washington City

L. C. Griffith to Reuben Kemper 19th September 1817—filed in Beaudins Claim Shewing that Mills and Audibert were the proper Agents of the Convention and why Mill's Signature does not appear to Beaudin's a/ct—

(List of Claims by the Inhabitants of West Florida)

A List of Claims by the Inhabitants of the late Province of West Florida against the Government of the United States, as reported by the 5th Auditor of the Treasury—[19]

[19] *Ibid.* All items in this list are checked with red ink, opposite each name listed, on the original manuscript.

Date 1810	No.	Original Claimants	No. vou's	Assignees	Dollars Cents
October	5	Wesley Trahern	1	James Trahern	$ 141.17
November	3	Christopher C Stewart	2	Isaac Johnson	156.20
"	26	Isaac Brown	3	.....	155.29
Decem'r	5	John Breeding	4	.....R. K.	32.43
"	"	Zadock Brashears	5	Th H Williams	197.87
November	14	John Stewart	6	.....	108.13½
"	24	Parsons Carter	7	.....	16.22
October	2	John Browder	8	.....	106.48
"	"	John Mills	9	.....	1493.23
December	3	George S & G McDekavanaugh Estate	10	.....	1673.84
"	19	John Nicholson	11	Reuben Kemper	2895.95
"	"	French and Avery (Doct'rs)	"	Reuben Kemper	286.60
"	10	Jacob Taylor	13	.....	24.03
"	"	James Neilson	14	.....	376.70
"	"	John Neilson	"	.....	101.22
"	"	Lewis Cragg	"	.....	76.89
November	16	James D. Milam	15	Reuben Kemper	360.45
"	"	Andrew Regnes & John Garcia	16	.....R. K.	433.63
"	"	John Mills	17	Reuben Kemper	242.82
"	"	John McDonough	18	R Smith	9612
"	"	Samuel Baldwin	19	Reuben Kemper	1481.80
"	"	John George Sen'r	21	.....R. K.	93.11
"	"	Thomas Mills	22	.....R. K.	424.50
"	"	Samuel Shaw Croker	23	.....Henry Johnson	88.94
October	2	Daniel Cobb	24	.....	72.09
"	"	Henry Thomas	25	.....R. K.	180.23
"	"	William Spillers Estate	26	Reuben Kemper	407.30
"	"	John W Winn	27	Reuben Kemper	317.79
"	"	Alexander Bookter	28	Reuben Kemper	1463.64
"	"	Charles Porterfield	29	Reuben Kemper	1146.23

Date 1810	No.	Original Claimants	No. vou's	Assignees	Dollars Cents
November	26	George Strambler	30	.....L Wash'n tr	270.34
"	25	William Beard or George Strambler	"	L Wash'n tr 197.64	395.28
"	28	Charles Duvall	31	.....R. K.	175.41
"	"	Alexander Bigno	34	.....R. K.	513.03
"	"	Robert Ireland	36	.....	186.22
"	"	Barnett Moore	37	.....R. K.	1114.71
"	"	Philip Hickey	38	Reuben Kemper	3033.79
"	"	James Adair	"	.....R. K.	420.82
"	"	John H Johnson	39	.....	434.04
"	"	John Rhea	40	.....	1167.86
"	"	William Barrow	41	.....R. K.	1177.47
"	"	Robert Collins	44	.....	64.88
"	"	Samuel Glasscock	45	.....R. K.	270.33
"	"	Policarpis Regillo	46	.....	28.59
"	"	Christoval Morrisons Widow	47	.....R. K.	89.96
"	"	James Robinson	48	.....R. K.	481.80
"	"	Martin Goss	49	Reuben Kemper R. K.	690.56
"	"	James Aidin	50	.....R. K.	405.50
"	"	John W. Leonard	51	.....R. K.	326.80
"	"	Robert Perry	52	.....	480.60
"	"	Jed: & Ben: Smith	54	.....	180.13
"	"	John Horton	55	.....	228.28
"	"	Edward Randolph	56	.....R. K.	120.15
"	"	John McRae	58	.....	204.25
"	"	Benjamin S. Smoot	66	Reuben Kemper	217.84
"	"	Robert Huston	67	.....	124.95
"	"	James Ware	"	.....	36.64
"	"	Peter Ladner	"	.....	72.19
"	"	Bryan McDermot	"	.....	72.09
"	"	Reuben Kemper	"	R. Smith	1248.49
"	"	Joseph Thomas	"	for Conventional services	302.77
"	"	Benjamin O Williams	"	do do R. K.	273.93
"	"	Thomas Lilly	"	do do	350.84
"	"	John Morgan	"	do do R. K.	240.30
"	"	Edward Hawes	"	do do	389.28
"	"	Champness Terry	"	do do	129.76
"	"	Dudley Avery	"	do do	105.73
"	"	Llewellyn C Griffith	"	do do	105.73
"	"	John Scott	"	do do	105.73
"	"	John Veguer	"	do do	91.31
"	"	John Vernon	"	do do	100.93
"	"	Abner Brackam	"	do do	100.93
"	"	Daniel Edwards	"	do do	96.12
"	"	Benjamin McWaters	"	do do R. K.	96.12
"	"	Philamon Thomas	"	do do	105.73
"	"	Fred: A Browder	"	do do	105.73
"	"	Fulwar Skipwith	"	do do	72.09
"	"	Manuel Lopez	"	.....R. K.	123.33
"	"	Thomas Lilly	"	.....	68.48
"	"	John Mills	"	.....	60.07
"	"	Andrew Steel	"	.....R. K.	521.45
				Dollars	41,874.15

N.B. The amount of appropriation for the settlement of the W. Florida Claims is.....$41,356.70
Amount of W.F. Claims reported by the 5th Auditor is..$41,874.15

Difference.....$ 517.45

Which difference arises in the omission of Barnett Moor's account on the List sent in by the Comptroller of $1,114.71

And the admission of the following Accounts on the said List which have been suspended by the 5th Aud'r Viz.

Gerald & Thomas Burns Account		$ 86.65
John Rose	"	96.12
Joseph Rabossa	"	53.54
Joseph Kennedy	"	360.45
		596.76

And amount allowed on Peter Ladnors Acc't more than reported by 5th Auditor..... .50

$ 597.26
The Diff'e $ 517.45

List of West Florida Claims

(Statement of Claims)

West Florida Claims.[20]

George S & J McKavenaugh	392.89
John Nicholson	685.25
Samuel Baldwin	240.30
Widow Shaw	1201.50
Thos Lilley	240.30
William Spiller	9.01
Hans Morrison	132.16
John A. Horton	21.62
John H. Johnson	636.19
Jno McFarland	133.36
Thos Rankin	12.01
Jno G. Taylor	31.24
Thos Powell	485.97
Sterling Dupre	590.53

[20] West Florida Papers, Library of Congress.

Alexander McMullen	360.45	
Charles Porterfield	360.45	
John Edwards	720....	
Claire Carman	434.94	
Edwin Lewis	180.25	
Wm Conway	180.23	
Barnette Moore	3,686.80	
Reuben Kemper	10,147.95	
Carr'd forw'd	20,883.80	
Am't brought forw'd		20,883.80
Joseph Raboussa	53.54	
John Rose	96.12	
Gerald & Geo Burns	86.65	
Joseph P. Kennedy	360.95	
Gabriel Cassaneuve	1083.75	
Jno Baptiste Boudreaux	478.19	
		2158.70
		$23,042.50
Am't allowed for which an appropriation was made		41,356.70
		64,399.20

West Florida claims.

(Reuben Kemper's Comment on Suspended Claims)

Copy.—

Colonel Kemper, as the agent asks the allowance of the following claims, which appear to have been suspended in the 5th Auditors Office in the Settlement of accounts under the act of the 18, April 1814. (page 691 Vol. 4th) entitled an "act to authorise the Secretary of State to liquidate Certain claims therein mentioned". An appropriation was made by Congress on the 9th. April 1818, of Dollars 41,356 10/100 for discharging the claims of the inhabitants of West Florida, for advances made for the use of the said Territory, or liquidated by the Department of State including principal & Interest, and it is to procure due allowance and a Similar appropriation for the Suspensions that Col. Kemper now requests a revision of them.[21]

[21] *Ibid.*

Claimants Names. Viz.		Remarks by Kemper. Viz.
X Geo. S. & J. McKavenaughs		1st. Item not registered, but proof wanted that Culp as the owner of the Bear Skins. Col Kemper states that the possession of the Certificate is sufficient. The account altoger being Supported by a Certificate of the members of the Convention, which is recognized as sufficient in other cases. Kemper relies on it in this one. 2d. Item. It does not appear for what this draft was made.
1st. Item	$ 127.00	
2d. Item	200.00	
	$ 327.00	
Interest	65.89	
Reported in his favor	$ 392.89	
X John Nicholson's as'd for Supplies	$ 492.00	Certificate of the Convention deemed sufficient by Kemper, disallowed by the Auditor for the want of proof and because 10 pr cent Interest is charged.
Interest paid to Packwood & Hogan at 10 pr cent	$ 147.20	
Interest allowed by the President @ 5 pr cent	78.33	
	78.33	
	$ 570.33	
Interest	114.92	
Reported in his favor	$ 685.25	
X Samuel Baldwin's as'd as Navy agent (Not allowed)	$ 58.72	He is allowed a Commission of 5 pr cent by the Auditor, and charges a Salary besides. Kemper states that 10 pr cent commission was charged for money advanced & not for Salary.
For his Salary & Subsistance	200.00	
Interest	40.30	
	$ 240.30	
X The Widow Shaws, account (for 2 notes of $500 Each)	$1,000.00	Want of assignment of the notes of hand. Kemper relies upon the evidence he has produced.
Interest	201.50	
	$1,201.50	
X Thomas Lilley's as'd Items amounting to	$ 200.00	These Items are certified by the Members of the Convention, but the 5th Auditor did not suppose this a Sufficient authority for the allowance of them & therefore they are Suspended.
Interest	40.30	
Reported in his favor	$ 240.30	

	Claimants Names. Viz.		Remarks by Kemper. Viz.
	Col. William Spiller,		1st. Item covered by the General allowance of services in the Convention.
	Extra services .....$	210.00	
	(The President observes on this charge, "that he is to be paid as the other members unless distinct & extra services are proved". This circumstance is not proved by any testimony accompanying the charge, it is therefore rejected		
	[The above statement is in red ink.]		
X	for Supply of Pork.....	7.50	2nd. Item not Vouched. Kemper states that he knows of the supply of the Pork.
	Interest	1.50	
	Reported in his favor.....$	9.01	
X	Hans Morrison's account...$	110.00	Want of proof. Kemper refers to the Conventional Certificate.
	Interest	22.16	
	Reported in his favor.....$	132.16	
X	John Horton's account for Pumpkins .....$	18.00	No Voucher. Kemper thinks the certificate of Johnson a good one.
	Interest	3.62	
	Reported in his favor.....$	21.62	
X	John H. Johnson's account (claimed) .....$	685.25	This as'd or items in Johnson's as'd making this sum (685 25/100) is Suspended by the 5th Auditor for the want of a Voucher to support them. The Conventional Certificate is relied upon by Col. Kemper, with the admission of the correctness of the 5 Auditors decision as to a charge of $112 for Conventional Services.
	(admitted) .....$	529.90	
	Interest	106.69	
	$	636.19	
	The President observes that this as'd is to be allowed, with the deduction stated, see K. Remarks opposite. [The above statement is in red ink.]		
X	John McFarland's account..$	110.00	No Voucher. Kemper's testimony relied upon.
	Interest	22.36	
	Reported in his favor.....$	133.36	
X	Thomas Rankin's account..$	10.00	No Voucher. Kemper's Certificate not admitted.
	Interest	2.01	
	Reported in his favor.....$	12.01	
X	John G. Taylors account...$	26.00	No Voucher. Kemper knows the claim to be just in part.
	Interest	5.24	
	Reported in his favor.....$	31.24	
X	Col. Thomas Powell's account .....$	382.00	No Voucher. Kempers testimony not admitted.
	Interest	76.97½	
	Reported in his favor.....$	458.97½	

	Claimants Names. Viz.		Remarks by Kemper. Viz.
X	Major Sterling Dupree, a/d for Supplies	$ 491.50	No Voucher. Kempers statement not admitted.
	Interest	99.03	
	Reported in his favor	$ 590.53	
X	Alexander McMullin, a/d	$ 300.00	No proof of actual loss upon the Drafts. Kemper Certificate deemed inadmissable from the moneys not having been paid.
	Interest	60.45	
	Reported in his favor	$ 360.45	
X	Charles Porterfield's account	$ 300.00	Johnsons Certificate.
	Interest	60.45	
	Reported in his favor	$ 360.45	
X	John Edward's account	$ 600.00	The original draft wanting. Kemper will produce it.
	Interest	120.00	
	Reported in his favor	$ 720.00	
X	Claire Carman, alias, Clare Daggett's account	$ 362.00	Not Vouched. Kemper states that the evidence is lost, but that the claim is a good one.
	Interest	72.94	
	Reported in her favor	$ 434.94	
X	Edwin Lewis's account (Lawyer)	$ 150.00	Professional service in favor of Kemper. Kemper's statement may be admitted.
	Interest	30.23	
	Reported in his favor	180.23	
X	William Conway's account.	$ 150.00	Not proved. Kemper's testimony not admitted.
	Interest	30.23	
	Reported in his favor	$ 180.23	
X	Alexander Bauden's account	$1,719.98	5th. Auditor states that it does not appear but that this account was discharged by the proceeds of the Sale of the Vessels. Kemper relies upon the Certificate of Audibert, Navy agent.
	The President observes on this a/d, as follows. Let an account of the sales and of the application of the proceeds be first rendered, should it appear that a balance was still due it will be paid. [The above statement is in red ink.]		
X	Louis Avery's account	$ 397.66	Same remarks, as above, in the case of Bauden.

The foregoing accounts were Submitted by Col. Kemper to the President of the United States who marked opposite the names of each one of the Claimants whose claim was approved of thus X. the observations written with red ink were made by the President with black ink on the original list, which has been transmitted to the Comptroller of the Treasury with the ac-

counts &c. The two accounts which immediately follow, hereunder, tho' not contained on this list are embraced by the letter of the Secretary of State of 30, March 1819. Viz.

Claimants Names. Viz.		Remarks by Kemper. Viz.
Barnett Moore's account for supplies furnished to the officers & Soldiers of West Florida, at Baton Rouge.....	$ 3,068.50	
Interest	618.30	
Reported in his favor.....	$ 3,686.80	
Reuben Kemper's own afd. for advances of money for sundry purposes, his pay, Subsistance &c. as a Colonel in the service of the Commonwealth of West Florida, allowance pr diem for travelling expenses in 1812 & 1815 & allowance pr diem, as an agent in collecting the claims &c. &c. including Interest...	$10,147.95	
X Joseph Rabossa' account....	$ 44.56	These six accounts there was no difficulty about from the first, they were admitted under the letter of Mr. Rush, acting Secretary of State of the 5, May 1817, and only suspended for the usual appropriation of the Secretary of State on the account after stated. Tho. Mustin
Interest	8.98	
Reported in his favor.....	$ 53.54	
X John Rose' account.....	$ 80.00	
Interest	16.12	
Reported in his favor.....	$ 96.12	
X Gerald & Geo. Burn's account	$ 72.12	
Interest	14.53	
Reported in his favor.....	$ 86.65	
X Joseph P. Kennedy's account	$ 300.00	
Interest	60.??	
Reported in his favor.....	$ 360.2?	
Gabriel Cassaneuve's account	$ 902.00	
Interest	181.75	
Reported in his favor.....	$ 1,083.75	
John Baptiste Baudreaux' account	$ 398.00	
Interest	80.00	
Reported in his favor.....	$ 478.19	

(Copy)

List of accounts in relation to West Florida, Submitted by Col. Kemper to the President for his Sanction. The original list transmitted to the Comptroller of the Treasury.—

(*List of Claims on which Interest was allowed*)

The following is a list of the claims of the inhabitants of the late province of West Florida, on which interest was allowed by the Acting Secretary of State, under the act of Congs of 18, April 1814, entitled "an act to authorise the Secretary of State to liquidate certain claims therein mentioned Viz as will be seen by a copy of the letter herewith—viz[22]

No. of voucher			
87.	John McDonough	8000.00	
	Interest thereon from 10, Decem. 1810 to 18, April 1814, the date of the act of Congs authorizing the Secy of State to liquidate certain claims therein mentioned	1612.00	
			9,612.00
85.	Thomas Lilly	292.00	
	Interest as in the case of McDonough..	58.84	
			350.84
86.	John Morgan	200.00	
	Interest as in the case of McDonough..	40.50	
			240.50
88.	Benjamin O. Williams	228.00	
	Interest as in the case of McDonough..	45.93	
			273.93
89.	Edmund Hawes	324.00	
	Interest as in the case of McDonough..	65.28	
			389.28

[22] *Ibid.*

No. of voucher			
90.	Champness Terry	108.00	
	Interest as in the case of McDonough..	21.76	
			129.76
91.	Dudley Avery	88.00	
	Interest as in the case of McDonough..	17.73	
			105.73
92.	Llewellyn C. Griffith	88.00	
	Interest as in the case of McDonough..	17.73	
			105.73
93.	John Scott	88.00	
	Interest as in the case of McDonough..	17.73	
			105.73
94.	John Veguer	76.00	
	Interest as in the case of McDonough..	15.31	
			91.31
95.	Abner Brackam	84.00	
	Interest as in the case of McDonough..	16.93	
			100.93
96.	Daniel Edwards	80.00	
	Interest as in the case of McDonough..	16.12	
			96.12
98.	Benj. McWaters	80.00	
	Interest &c	16.12	
			96.12
99.	John Vernon	84.00	
	Interest &c	16.93	
			100.93

No. of voucher			
100.	Philemon Thomas	88.00	
	Interest &c	17.73	
			105.73
101.	Frederick M. Browder	88.00	
	Interest &c	17.73	
			105.73
102.	Joseph Thomas	252.00	
	Interest	50.77	
			302.77
103.	Fulwar Skipwith	60.00	
	Interest	12.09	
			72.09
104.	Wesley Trahern	117.50	
	Interest	23.67	
			141.17
105.	Christopher C. Stewart	130.00	
	Interest	26.20	
			156.20
107.	Isaac Brown	129.25	
	Interest	26.04	
			155.29
109.	John Breeding	27.00	
	Interest	5.43	
			32.43
110.	Zadock Brashears	164.68½	
	Interest	33.18½	
			197.87

No. of voucher			
111.	John Stewart	900.00	
	Interest	18.13	
			108.13
112.	Parsons Carter	13.50	
	Interest	2.72	
			16.22
114.	John Browder	88.67½	
	Interest	18.88½	
			106.48
115.	John Mills	1242.81	
	Interest	250.42	
			1493.23
116.	Estate of Geo. S. & C. McDekavanaugh	1393.12½	
	Interest	280.71½	
			1673.84
117.	John Nicholson	2410.28	
	Interest	485.67	
			2895.75
118.	Doctrs Cornelius R. French & Dudley Avery	238.54	
	Interest	48.06	
			256.60
119.	Lewis Craigg	64.00	
	Interest	12.89	
			76.89
121.	John Neilson	84.25	
	Interest	16.97	
			101.22

No. of voucher			
122.	James Neilson	313.53	
	Interest	63.17	
			376.70
123.	James D. Milam	300.00	
	Interest	60.45	
			360.45
126.	Andrew Regnes & John Garcia	360.91	
	Interest	72.72	
			438.63
127.	John Mills	202.10	
	Interest	40.72	
			242.82
128.	Samuel Baldwin	1233.30	
	Interest	248.50	
			1481.80
129.	John George Sen'r	77.50	
	Interest	15.61	
			93.11
131.	Thomas Bills	353.31	
	Interest	71.19	
			424.50
132.	Samuel Shaw Croker	74.03	
	Interest	14.91	
			88.94
133.	Daniel Cobb	60.00	
	Interest	12.07	
			72.07

No. of voucher			
141.	Henry Thomas	150.00	
	Interest	30.23	
			180.23
142.	William Spiller	339.00	
	Interest	68.30	
			407.30
143.	John W. Winn	269.50	
	Interest	53.29	
			317.79
145.	Alexander Bookter	1,128.18	
	Interest	245.46	
			1,463.64
146.	Reuben Kemper	1049.53	
	Interest	198.66	
			1248.49
147.	James Adair	350.25	
	Interest	70.57	
			420.82
148.	Charles Porterfield	954.00	
	Interest	192.23	
			1,146.23
150.	George Strambler	225.00	
	Interest	45.34	
			270.34
151.	William Beard or George Strambler	329.00	
	Interest	66.28	
			395.28

No. of voucher			
152.	Charles Devall	146.00	
	Interest	29.41	
			175.41
153.	Alexander Bigno	427.00	
	Interest	86.03	
			513.03
155.	Robert Ireland	155.00	
	Interest	31.22	
			186.22
156.	Barnett Moore	927.77	
	Interest	186.94	
			1,114.71
157.	Robert Collins	54.00	
	Interest	10.88	
			64.88
158.	Samuel Glasscock	225.00	
	Interest	45.33	
			270.33
159.	Policarpis Regillo	23.80	
	Interest	4.79	
			28.59
160.	Christoval Morrison	74.87½	
	Interest	15.08½	
			89.96
162.	James Robinson	401.00	
	Interest	80.80	
			481.80

No. of voucher			
163.	Martin Goss	574.75	
	Interest	115.81	
			690.56
164.	James Aidin	337.50	
	Interest	68.00	
			405.50
165.	John B. Leonard	272.00	
	Interest	54.80	
			326.80
166.	Robert Perry	400.00	
	Interest	80.60	
			480.60
167.	Jed. & Benj. Smith	90.00	
	Interest	18.13½	
			108.13½
168.	Edmund Randolph	100.00	
	Interest	20.15	
			120.15
169.	John McRae	170.00	
	Interest	34.25	
			204.25
170.	Doct. Robert Huston	104.00	
	Interest	20.95	
			124.95
171.	James Ware	30.50	
	Interest	6.14	
			36.64

No. of voucher			
172.	Peter Ladner	60.50	
	Interest	12.19	
			72.69
173.	Benj. S. Smoot	181.31	
	Interest	36.53	
			217.84
174.	Bryan McDermot	60.00	
	Interest	12.09	
			72.09
177.	Jacob Taylor	20.00	
	Interest	4.03	
			24.03
207.	Philip Hicky	2,525.00	
	Interest	508.79	
			3033.79
208.	Andrew Steele	434.00	
	Interest	87.45	
			521.45
209.	Manuel Lopez	102.65	
	Interest	20.68	
			123.33
213.	Thomas Lilly	57.00	
	Interest	11.48	
			68.48
214.	John Horton	190.00	
	Interest	38.28	
			228.28

No. of voucher			
215.	William Barrow	980.00	
	Interest	197.47	
			1,177.47
216.	John Smith	50.00	
	Interest	10.07½	
			60.07½
217.	John H. Johnson	361.25	
	Interest	72.79	
			434.04
218.	John Aikin	972.00	
	Interest	196.86	
			1167.86
635.	John Nicholson	570.33½	
	Interest	114.92	
			685.32
636.	Geo. & J. McKavenaugh	327.00	
	Interest	65.89	
			392.89
637.	Charles Porterfield	300.00	
	Interest	60.45	
			360.45
638.	John Horton	18.00	
	Interest	3.62	
			21.62
639.	Thomas Lilly	200.00	
	Interest	40.30	
			240.30
640.	Hans Morrison	110.00	
	Interest	22.16	
			132.16

No. of voucher			
641.	William Spiller	7.50	
	Interest	1.51	
			9.01
642.	Samuel Baldwin	200.00	
	Interest	40.30	
			240.30
643.	John T. Taylor	26.00	
	Interest	5.24	
			31.24
644.	Thomas Rankin	10.00	
	Interest	2.01	
			12.01
645.	Sterling Dupree	491.50	
	Interest thereon	99.03	
			590.53
646.	John Edwards	600.00	
	Interest thereon	120.00	
			720.00
647.	Thomas Powell	382.00	
	Interest	76.92	
			458.97
648.	John H. Johnson	529.50	
	Interest	106.59	
			636.19
649.	Alexander McMullen	300.00	
	Interest	60.45	
			360.45
650.	John McFarland	111.00	
	Interest	22.36	
			133.36

No. of voucher			
651.	Claire Carman	362.00	
	Interest	72.94	
			434.94
652.	Edwin Lewis	150.00	
	Interest	30.23	
			180.23
653.	William Conway	150.00	
	Interest	30.23	
			180.23
654.	Esther Shaw	1000.00	
	Interest	201.50	
			1201.50
655.	Joseph Raboussa	44.56	
	Interest	8.98	
			53.54
656.	John Rose	80.00	
	Interest	16.12	
			96.12
657.	Gerald & Thomas Burns	72.12	
	Interest	14.53	
			86.65
658.	Joseph P. Kennedy	300.00	
	Interest	60.45	
			360.45
659.	Gabriel Cassaneuve	902.00	
	Interest	181.75	
			1,083.75
660.	Barnett Moore	3,068.50	
	Interest	618.30	
			3,686.80

No. of voucher			
661.	John Baptiste Boudreaux	398.00	
	Interest	80.19	
			478.19
662.	Reuben Kemper	3,452.31	
	Interest	695.69	
		4,147.95	
	And for his travel'g expense & compensation of collecting the claims, on which no interest was ald	6,000.00	
			10,147.95
662.	Alexander Baudin	1,689.92	
	Interest as in the case of McDonough	346.51	
			2,030.43
9,454.	William Cost Johnson, Administrator of De la Francia de'd & legal representative Joseph De la Francia the sole surviving heir of said dec'd as allowed by the Secretary of Treasury	11850.00	
	Interest thereon principal from the 5, December 1810 to said 14, Agst 1848 See copy of said amount herewith	26,798.78	
			38648.78

List of the West Florida claims, which have been paid under the acts of Cgss of 18, April 1814, August 1848.—

Copied & St to the Secy of the Treasury (Jno. Farnsworth) this 19, April 1850.—

(Memorandum on West Florida Claims)

The Claims of Kemper, with the memorial, accompanying them, as submitted to the President, some years ago, are now lent to Mr. Jones. 29, March 1826.

This is a list of the claimants with Kemper's remarks annexed to each.[23] T.M.

Memo'n 29, March 1826.

[23] See the list of claims with Kemper's remarks after them, as printed in this collection.

THE EARLY CAREER OF PIERRE SOULÉ*

By ARTHUR FREEMAN

CHAPTER I

EARLY LIFE

"Pierre Soulé . . . was the most remarkable Frenchman of the New World."[1] "At many points the career of Pierre Soulé challenges comparison with the careers of most of the conspicuous characters of history; . . . his life might well afford sufficient matter of interest for a romance."[2] These tributes, one by a relative and the other by a modern scholar, will serve as an introduction to our study.

The original home of the family was in Scandinavia. The earliest knowledge we have of these hardy Viking Soulés was their emigration to Normandy with Rollo, and later to England with William the Conqueror. Mention of a nobleman by that name is found in accounts of the battle of Hastings. Descendants of this branch of the family came to America in the Mayflower, moved first to the Carolinas after 1732, and later to the Middle Western states. George Soulé, a descendant of this line, moved from Massachusetts to New Orleans in 1854 and founded in that city Soulé's Business College, which today is managed by his two sons.[3]

The Soulé genealogist, while tracing very carefully the movement of the family, gives us less information concerning those who remained in France. This second branch moved to the southern part of France, where today is the district of Soulé. "Comprised in French Navarre or Basse Navarre, it was formed by a natural region constituted by the valley of Saisson and the Gave de Maulein, an affluent of the Gave d'Oloran. . . . It was a fief of the duchy of Gascony. The lords of Soulé recognized the sovereignty of the king of France in 1306. It was ceded to

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* Master's thesis in History, Louisiana State University, 1936.

[1] Leon Soulé, *Notice sur Pierre Soulé, Avocat à la Nouvelle-Orleans, Senateur de la Louisiane à Washington* (Toulouse, 1901), 2.

[2] Henry G. Morgan, Jr., "A Duel Between Diplomats", in *Louisiana Historical Quarterly*, XIV (1931), 384.

[3] This information was obtained in an interview with Mr. George Soulé, son of the George Soulé, mentioned.

England in 1360 and reconquered in 1451."[4] Here we find the Soulé chateau—a typical feudal castle.

This branch of the Soulé family also came to America. A John Soulé migrated "before the Revolution and settled on Long Island in New York harbor. His brother, Marshall Soulé, was a distinguished commander of the French army and probably a kinsman of Count Jerome Soulé whose military career won for him the engravure of his name on the Arc de Triomphe and a burial in Pere La Chaise. This emigrant ancestor died before the close of the Revolution, leaving a widow and three children."[5] A Bernard Soulé came to this country in 1850 or 1852.[6]

The only Soulé of the eighteenth century in France mentoined by Ridlon is Jerome Soulé, born in 1766, made a Senator in 1807, a Count of the Empire in 1808, a Chevalier of St. Louis in 1814, and died in 1833 without heirs. The only later Soulés mentioned are Felix, a sculptor, and Frederick, a writer, and the relatives of Jerome's brother, John, who still live in France.[7] Ridlon says nothing of Pierre's father and very little of the son. In the list of persons related to Soulé, he says nothing of the Mercier or other families with which Pierre was connected. He gives as a reason for these ommissions the fact that the living Soulés of French origin in New Orleans would give little information about their antecedents.

We do know, however, that Pierre's father was Justice of the Peace at Castillon until the French Revolution, an inherited position which had a dignity and importance greater than in this country.[8] In 1793, he became commander of the fifth battalion of Ariege in General Dugommier's army at Ronisslon, and rose to the rank of lieutenant-general. In 1815, he returned to his former position, which he held until his death in 1830.

Various dates are given for the birth of Pierre: 1800,[9] 1801,[10]

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[4] Rev. Gideon Tibbetts Ridlon (comp.), *Contribution to the History, Biography, and Genealogy of the Families Named Solé, Solly, Soulé, Sowle, Soulis, with Other Forms of Spelling, from the Eighteenth Century to the Present, with Notes on Collateral Families both Foreign and American. . .* (Portland, Maine, 1926), I, 141.

[5] *Ibid.*, II, 1087.

[6] *Ibid.*, II, 1031.

[7] *Ibid.*, I, 142.

[8] Alfred Mercier, *Biographie de Pierre Soulé, Senateur à Washington* (Paris, 1848), 5.

[9] *Ibid.*

[10] *Biographical Directory of the American Congress, 1774-1927* (Washington, 1928), 1569; Soulé, *op. cit.*, 3.

1802,[11] and 1803.[12] His birthplace, too, is in question, being given as Castillon in the Ariege department[13] and Castillon in the Gironde.[14] Both places are small villages at the base of the Pyrenees within a few miles of each other. Here in this village "built at the foot of a mountain . . . crowned by a Roman church of the eleventh century, formerly a . . . place where a superb view might be obtained over the whole region,"[15] among simple and patriarchal folk, he spent his boyhood. Pierre often accompanied his father to court. "When the litigants were speaking, the child listened to them, with a marvelous curiosity; and, perhaps, he instinctively caught in the passionate words of a simple shepherd the great secrets of eloquence. The old men of the mountains augured much about that curious and attentive child and they loved to bless his future entrance into the things of the world."[16] "His free, bold, and manly carriage; his earnest and impassioned manner; his fine, large, expressive features, and strong muscular frame are all impressions and effects of a youth passed amid scenes of natural grandeur."[17]

According to a Midi custom, "the male child of a family which shows the most intelligence is generally sworn to the priesthood. The choice falling on the young Pierre, his father placed him, in 1815 [or 1816,[18]] in the seminary of Esquille at Toulouse",[19] a Jesuit college. Though of thoughtful and literary tastes, he was not satisfied; he rebelled against the rigid discipline and stayed but a year,[20] acquiring little but hatred of the Jesuits.[21]

In 1817,[22] he went to school at Bordeaux where he studied Homer, Vergil, Thucydides, and Tacitus. The following year,

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[11] Henry Renshaw, "A Sketch of the Life and Career of Pierre Soulé" (Abstract), in *Publications* of the Louisiana Historical Society, Vol. II, Pt. 3 (1899), 38; James Wilson and John Fiske, eds., *Appleton's Cyclopedia of American Biography* (New York, 1888), V, 610; Alcée Fortier, ed., *Louisiana, Comprising Sketches of Parishes, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form*, 3 vols. (Century Historical Association, 1914), II, 472.

[12] Lawrence Barnett Phillips, ed., *The Dictionary of Biographical Reference: Containing over a Hundred Thousand Names, together with a Classed Index of the Biographical Literature of Europe and America. . .* (Philadelphia, 1889), 643.

[13] Renshaw, "A Sketch of the Life and Career of Pierre Soulé" (Abstract), *loc. cit.*, Vol. II, Pt. 3 (1899), 38; Soulé, *op. cit.*, 3.

[14] *National Cyclopedia of American Biography* (New York, 1862-1926), III, 117; Fortier, *Louisiana*, II, 472.

[15] Soulé, *op. cit.*, 3.

[16] Mercier, *op. cit.*, 5.

[17] *New Orleans Times*, March 30, 1870.

[18] Soulé, *op. cit.*, 4.

[19] *American Annual Cyclopedia and Register of Important Events of the Year 1870* (New York, 1872), 679.

[20] Soulé, *op. cit.*, 4, says he remained four years.

[21] *New York Times*, March 30, 1870.

[22] *Appleton's Cyclopedia of American Biography*, V, 611.

unfortunately, he was implicated in a plot against the Bourbon government. His friends had given him a proclamation printed by a secret Bonapartist society hostile to the government. As his father was a victim of the government, he decided to take it to him, and with that purpose set out for Castillon. Ignorant of its seditious character, he imprudently told an enemy of his father's about it and the man informed the authorities. This is Leon Soulé's account, and he continues, "It did not imply an affiliation of the young fugitive with the before-mentioned conspiracy. No judicial process was ever brought against him."[23] Mercier, however, boldly says that he was a conspirator, and that a "friend" betrayed him;[24] and, as a result both his father and he were forced to flee. Pierre left Bordeaux at night, crossed the Landes country on foot, earning his bread as he went, and came to Morent-Marsan where a friend, Abbé Gauchon, met him and took him to a Navarre village,[25] where he remained a year disguised as a shepherd.[26] Mercier tells us how Soulé spent the year. "He got up with the dawn in order to bring his sheep to graze, and while they grazed peacefully he contemplared with a poetic enthusiasm the magnificence of the sun appearing on the grandiose theatre of the Pyrenees. At other times he studied the trees and flowers . . . or abandoned himself to the course of his reveries . . . . In the evening, he admired the mysterious splendor of the universe; he read of God in that . . . Bible celestial in the characters of flame, where the men of all the centuries have learned the eternal poem of faith!"[27] This flight was likened to that of Alfred the Great who laid aside his kingly robe for the dress of a cattle driver.[28]

Pardoned by the government, he returned to Bordeaux where he taught in an academy, "having come out safe and sound from the first folly of youth."[29] He received the degree of Bachelor of Letters in 1819, and then had to choose a career. Mercier says, "He had the power of captivating his pupils' hearts but he was too militant for such a peaceful profession. Like St.

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[23] Soulé, *op. cit.*, 17.

[24] Mercier, *op. cit.*, 8; Frederic Gaillardet, *L'Aristocratie en Amerique* (Paris, 1883), 2; *Appleton's Cyclopedia of American Biography*, V, 611; *New International Encyclopedia* (New York, 1916), XXI-XXII, 301. These last three authorities support Mercier's views.

[25] Soulé, *op. cit.*, 5-6.

[26] *Appleton's Cyclopedia of American Biography*, V, 611.

[27] Mercier, *op. cit.*, 10.

[28] *New Orleans Times*, March 30, 1870.

[29] Gaillardet, *op. cit.*, 2.

Jerome, he said, 'the desert or Rome.' "[30] He went to Paris, the Mecca of restless French youth, where by "incessant work, sustained application, joined to the charms of his person and the seduction of his mind,"[31] he made a success as a schoolmaster. He studied law, history, and philosophy, earning money as a tutor. In August, 1822, he wrote his thesis on the Faculty of Law at the Ecole de Droit, defending it in an "easy and voluminous latinity".[32] He "took his lawyer's vows some months later".[33]

Not content with the even tenor of his way, he turned to politics. "Hereditary and personal dislike of the reigning Bourbons led him into the opposition, and in 1824, he began publishing in the liberal journals articles whose strong tone and warm style fixed attention on them and gained for him the esteem and friendship of the advanced party."[34] From that it was but a step towards his own paper. As early as 1823 he had planned to establish a journal, for he wrote his brother, August 24, 1823, "I am too pressed to tell you all. I am preparing a great literary enterprise. I risk there a part of my little fortune. In two months, I will know what I can hope for."[35] A society was formed, composed of Lacasser, Rabbe, Helery, Santo Domingo (an Italian anti-clerical), Leduc-Rollin, the two Marseilles poets, Meryard and Barthelemy, and Soulé—and the *Noveau Nain Jaune* was established.[36] The successor of *Nain Jaune*, suspended by the government, "it inherited the malice and bad spirit of the old"[37] publication and soon became noted for its liberal ideas and attacks on the king's government. In May an article appeared—traced to Soulé—attacking the ministry and the church. Mercier thus speaks of it, "It is better to be a pygmy and aim straight and strike the giant right on the temple than to be a colossal cleaving to the clouds. One day the *Nain* being in a humor to laugh, launched two blows of a sting which broke the windows of the Tuilleries and the Archbishopric."[38] Leon Soulé thus alludes to it, "Soulé had the impudence of inserting a political and literary freak against the authorities of the day."[39] For this offense

[30] Mercier, *op. cit.*, 10.
[31] Soulé, *op. cit.*, 7.
[32] Mercier, *op. cit.*, 11.
[33] Soulé, *op. cit.*, 7.
[34] *Ibid.*, 7-8.
[35] *Ibid.*, 8.
[36] Gaillardet, *op. cit.*, 2.
[37] Soulé, *op. cit.*, 9.
[38] Mercier, *op. cit.*, 12.
[39] Soulé, *op. cit.*, 9.

Soulé was tried before the cour correctionalle. His counsel, Leduc-Rollin, sought rather to soften the severity of the impending sentence by pleading Soulé's youth than to defend his client's cause; whereupon Soulé, indignant at this surrender of his honest convictions, rose in court and defended them boldly and eloquently. Mercier speaks of his speech as "a rapid improvisation . . . [like] torrents which, on a stormy day, descend impetuously from the elevated peaks where the tempest has condensed. His impassioned harangue ended by a virulent apostrophe to M. de V——, to open up his robe. 'For they would see on your chest,' he cried, 'the sign of your subjection to the doctrines of violence and death which I have scourged.' He sat down in the midst of a great tumult. The papers the next day reproduced the stormy session in terms which must have consoled M. Soulé a little, from the penalty."[40] Such a philippic naturally did not prejudice the judge in his favor, and he was sentenced to serve three years in St. Pelagie prison and to pay a fine of ten thousand francs.[41] Whether he escaped from prison, or was released, seems a matter of conjecture.[42]

Deciding to leave France, he wrote to his brother: "A benedict of the Royal Court of Paris sentenced me to the Prison St. Pelagie. Some advantageous propositions show me towards the Republic of Paraguay. I have, then, to choose between captivity and the hope of a large fortune. The claims horrify me. I am going to breathe the air of freedom on the shores of La Plata. Good-bye, then, for five years."[43] A little while before, a minister of Francisca, supreme dictator of Paraguay,[44] had asked one of Soulé's friends to accompany him to America as his secretary. This friend now offered Soulé the place, to allow him to escape. Using Barthelemy's passport (as they resembled each other), Soulé sailed for England. On arriving there, he learned to his dismay that the minister had sailed the previous day with another secretary.[45] Alone, without money, and unable to find

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[40] Mercier, *op. cit.*, 13-14.

[41] *Appleton's Cyclopedia of American Biography*, V, 611.

[42] "He was released from prison on condition he leave for a foreign country."—*New Orleans Times*, March 30, 1870; "In a council held by his friends, which was assisted by Armand Carrel, it was resolved that Soulé should rid himself of his condemnation by fleeing."—Gaillardet, *op. cit.*, 3; "He escaped to England."—*Annual Cyclopedia*, 1870, p. 679; "The only escape from this [sentence] was self exile."—*Appleton's Cyclopedia of American Biography*, V, 611.

[43] Soulé, *op. cit.*, 10.

[44] *Appleton's Cyclopedia of American Biography*, V, 611, says Chile was the country to which Soulé intended going. Mercier does not state to which place he was supposed to go.

[45] Mercier, *op. cit.*, 15.

work, he decided to return to prison. Mercier informs us he might have stayed, however, "if the morose sky of Great Britain had not dulled his courage by freezing his French gayety. In the shadow of that twilight which the English have the pretension of calling day, he, child of 'Midi', could not stay."[46] This experience, together with traditional French dislike of England, may have had much to do with Soulé's later attitude toward that country.

Scarcely had he landed at Havre when he was asked by Baudin, an old ship captain, at that time a merchant, where he was going. After Soulé's reply Baudin gave him this good advice, "It is not only in England you can be free," he said; "here, my young friend, permit me to say it to you, you have a head too volcanized for the actual temperature of our politics. Do you believe me, go mature your ideas in America; you will come back to us, not less passionate for liberty, but more master of yourself and consequently more useful for the good cause. [Informing him he had a ship sailing to Santo Domingo at four that afternoon, he went on.] . . . I shall enroll you as aid to the cook . . . in order that you may escape the control of the priest, and the inspector of passports. But once on the sea you will throw aside your vest and white apron. I will give some letters to my correspondents at Port-au-Prince and they shall easily make you pass on to New Orleans."[47] The date of his thus leaving France was 1825[48] or 1826,[49] probably July, 1826. President Boyer welcomed him with distinction on his arrival in Haiti. However, there being no opening there for him, he sailed for Baltimore, though one account says he accepted a secretaryship under Boyer, but soon became disgusted with his position.[50] At Baltimore (October, 1826[51]) he met several New Orleans merchants and "his relations with them soon made him guess that a future was waiting for him in that city."[52]

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[46] *Ibid.*

[47] Gaillardet, *op. cit.*, 4-5.

[48] *Ibid.*, 5; *Annual Cyclopedia*, 1870, p. 680; Renshaw, "A Sketch of the Life and Career of Pierre Soulé" (Abstract), *loc. cit.*, Vol. II, Pt. 3 (1899), 38. (Renshaw does not mention the Haitian trip.).

[49] *Appleton's Cyclopedia of American Biography*, V, 610; *National Cyclopedia of American Biography*, III, 117; *Biographical Directory of the American Congress*, 1569; Fortier, *Louisiana*, II, 472.

[50] *New Orleans Times*, March 27, 1870.

[51] *Appleton's Cyclopedia of American Biography*, V, 611.

[52] Mercier, *op. cit.*, 18.

Soulé arrived in New Orleans probably in the latter part of 1826;[53] ". . . a friendless exile, he . . . landed on our levee in the last stages of destitution—with but one shirt."[54]

Further information about his trip is revealed in a letter to his brother which he wrote on his arrival in New Orleans:

> I left Paris in so much haste, I scarcely had time to say good-bye to the people whom I hold most dear. . . . On leaving Paris, I went immediately to London, where I remained only fifteen days. . . . I took passage on board a ship "the Cosmopolitan" which carried me to Saint-Domingue. The crossing was happy but long and I arrived at Port-au-Prince the fifth of September; that is to say 44 days after my departure. . . . I was well welcomed, but the laws of the country were opposed to what I wanted, some employment. I . . . embarked for New York. A tempest surprised us not far from the Bahamas and threw us on the coasts of Providence, where our ship wrecked. As for us, saved by a miracle, we took to the sea again two days after and went in admirable time to Baltimore. I crossed very poor, very unhappy, all of North America! and it was only in New York that I found finally some friends whose kindness directed me to these shores. One speaks here our language and the English. . . . I exercise my profession of a lawyer; my debuts have met success; they encourage me, and I have regained my first enthusiasm.[55]

In spite of this encouraging letter Soulé's early days in Louisiana were sad and disheartening, "and his pride made them the more so."[56] Finding that a knowledge of English was indispensable in his chosen profession,[57] with money given him by his countrymen[58] he went to Nashville, Tennessee, to learn that language.[59] Here he was a guest for some time of General Jackson to whom he brought letters of introduction, finding there "that cordial hospitality that knows no mental reservation."[60]

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[53] *Ibid.*; *Appleton's Cyclopedia of American Biography*, V, 611; J. Franklin Jameson, *Dictionary of United States History, Alphabetical, Chronological, Statistical* (Philadelphia, 1931), 611. However, John Benson Lossing, *Harper's Encyclopedia of United States History from 458 A. D. to 1902* (New York, 1905); VIII, 251, gives the date as 1825, and Carleton Hunt, "Address", in Louisiana Bar Association *Proceedings*, 1908, p. 59, gives the date as 1824.

[54] "His poverty, his complete destitution, . . . are matters of general notoriety. Mazureau's reflection on that one shirt gave Soulé a chance to deliver one of the most eloquent and sarcastic declamations ever made. It is said that M. Soulé still possesses that shirt and at the baptism of his son invested him in it."—*New Orleans Times*, March 30, 1870.

[55] Soulé, *op. cit.*, 12-13.

[56] *Ibid.*, 13.

[57] *Appleton's Cyclopedia of American Biography*, V, 611.

[58] Soulé, *op. cit.*, 13.

[59] New Orleans *Daily Picayune*, March 27, 1870.

[60] Mercier, *op. cit.*, 19. (Leon Soulé does not mention this visit to Jackson's home. Fortier, *Louisiana*, II, 472, does, however.)

Here, too, he first learned English. Fearing to wear out his welcome, he departed and went to Kentucky.[61] Arriving at Bardstown, he became ill and soon was penniless.[62] To the Father Superior of a French convent he applied for food and work.[63] "Under the offer of his manual services [he knew a little of horticulture and the convent needed a gardener],[64] according to the rule of the Fathers, the young lawyer was admitted to learn English and charged . . . to make the classic college course."[65] Here he also studied law. Mercier says of this experience: "Soulé already possessed that amiable and sweet philosophy which knows how to welcome, with a temperate job, the most gracious smiles of fortune, and to oppose a calm resignation to its most cruel inimicalities. His hand, which held the glove of a woman in a dance, had known how to hold a shepherd's crook; it knew how to handle a gardener's spade."[66] After staying there three or four months,[67] he returned to New Orleans where he studied law in the office of Moreau Lislet.[68]

The bar, then as now, represented wealth and position. "To be the leader of the bar of a large city like New Orleans was an honor [1850] as coveted as that of high political office."[69] This statement is corroborated by that of an early traveler, "The legal profession has always been, and ought always to be, a lucrative one as pursued in New Orleans."[70] The legal profession, too, was made up largely of men of humble origin; Judge Martin was publisher of a little country newspaper, and often sold his own papers; Prentiss and Eustis taught school in Natchez; Benjamin was a notary's clerk, and of foreign birth.[71] Judge

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[61] *New Orleans Times*, March 30, 1870.

[62] Soulé, *op. cit.*, 14; *Appleton's Cyclopedia of American Biography*, V, 611.

[63] Many French priests exiled by the Revolution had come here. "In 1808 an Episcopate was established at Bardstown, where later French Trappists established a convent with a branch at Cahokia, in which many Indians were educated. . . . At Bardstown many important schools were under the care of French priests."—Joseph George Rosengarten, *French Colonists and Exiles in the United States* (Philadelphia, 1907), 98.

[64] Gaillardet, *op. cit.*, 5.

[65] Soulé, *op. cit.*, 14.

[66] Mercier, *op. cit.*, 20.

[67] *Ibid.*, 21, three months; Soulé, *op. cit.*, 14, four months; Gaillardet, *op. cit.*, 5, six months; *New Orleans Times*, March 30, 1870, several months; Renshaw, "A Sketch of the Life and Career of Pierre Soulé" (Abstract), *loc. cit.*, Vol. II, Pt. 3 (1899), 38, Soulé went to Bardstown in 1825 and returned to New Orleans the following year.

[68] *Appleton's Cyclopedia of American Biography*, V, 611.

[69] Thomas Hunt, *The Life of William H. Hunt* (Brattleboro, Vt., 1922), 72. "Perhaps nowhere else in the United States was there then, or has there been since, a more remarkable group of lawyers than had gathered in this city. . . . We still have the traditions of Prentiss, of Soulé, of Grymes, of Benjamin and Slidell, of Hunt, of Roselius of Mazureau, of Grailke."—Hunt, *loc. cit.*, 7.

[70] A. Oakey Hall, *The Manhattaner in New Orleans: or, Phases of "Crescent City" Life* (New York, 1851), 76.

[71] Henry J. Leovy, "The Ante-Bellum Bench and Bar", in Louisiana Bar Association *Proceedings*, 1897-1898, p. 12.

Martin, Seghers, Mazureau, Rost, and Lislet were born in France; Roselius in Sweden or Germany; Benjamin in the West Indies.[72] Though an avenue of fame and fortune to a man like Soulé, the law offered great difficulties; "he now had to try to separate the inextricable confusion of Roman, Spanish, and English laws—and especially French, the knowledge of which was indispensable."[73] "It is harder for a New Orleans lawyer to tell what is the State law on a subject than it is to tell a law of England in Queen Elizabeth's time; legislatures have heaped up laws—a drawback to our judicial system."[74] However, after five months of study, he passed his bar examinations,[75] an achievement in itself, and became Lislet's partner.[76] A further discussion of his legal career is reserved for a later chapter.

In 1828 Soulé married Miss Amatine Mercier, the sister of Alfred and Armand Mercier,[77] "the most beautiful and most envied of all his fortunes."[78] His only child, Neville, married Angele de Marigny de Sentmanat, daughter of Francesca de Sentmanat, Governor of Tabasco, Mexico.[79] There were three children—Madame Paul Delcroix, Mrs. de Arias Salgado, and Mrs. Augustus H. Denis.[80] Leon Soulé, who wrote a biography of Soulé in 1901 in Toulouse, France, says in the preface to that book that he is the sole survivor of Soulé's nephews.

Soulé held his first public office in 1830 as a member of the city council.[81] The New Orleans in which he cast his fortune would seem strange to us. Let us glance at one or two contem-

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[72] Henry Rightor, ed., *Standard History of New Orleans* (Chicago, 1900), 396-413. Grymes, Campbell, Livingston, Eustis and Manning came from other states.

[73] Soulé, *op. cit.*, 15.

[74] New Orleans *Daily Delta*, Jan. 28, 1847.

[75] Mercier, *op. cit.*, 21.

[76] *Appleton's Cyclopedia of American Biography*, V, 611. Lislet was one of the greatest lawyers of the early nineteenth century. In 1808 he and James Brown prepared a "Digest of the Civil Laws Now in Force." He, Martin, and Tunney were attorneys for the people in the famous Batture case. In 1820 he was elected to the state legislature. With the help of Livingston and Derbigny, he revised the Code in 1825 and ten years later wrote a digest of Louisiana laws from 1804 to 1827.—Fortier, *Louisiana*, II, 72.

[77] Arthur Meynier, ed., *Louisiana Biographical and Weekly Magazine* (New Orleans), X (1882), No. 5, p. 35.

[78] Gaillardet, "Studies of the Bar of Louisiana," quoted by Mercier, *op. cit.*, 27. She died in May, 1859.—Meynier, *loc. cit.*, X, No. 5, p. 35.

[79] *New Orleans States*, May 27, 1923. In 1809 or 1810, Bernard Marigny married Anna Morales, daughter of the former Spanish intendant of Louisiana. One of the five children of this marriage was Rosa, born 1813, who married De Sentmanat. One of their three daughters married Neville Soulé, who died in 1878.—J. W. Cruzat, "Biographical and Genealogical Notes Concerning the Family of Philippe de Mandeville Ecuyer Sieur de Marigny," in *Publications* of the Louisiana Historical Society, V (1911), 49; Meynier, *loc. cit.*, X, No. 5, p. 35.

[80] Augustus Denis, the child of Georgine Cenis and Henry Denis, married the Widow Assuma, the daughter of Neville Soulé. He was the father of four children. He moved to Tampa, Florida, where he had an orange grove.—Stanley Clisby Arthur and George Campbell Huchet de Kernion, *Old Families of Louisiana* (New Orleans, 1931), 42.

[81] Soulé, *op. cit.*, 40.

porary descriptions of the city. It is "wholly unlike any other American metropolis. Its aspect is foreign and French decidely."[82] "Over and over again, they [travelers] give their impressions of New Orleans: the confusion of goods on the levees, the muddy unpaved streets, the green scum in the gutters, the general lack of tidiness and sanitation, and the terror of the sickly season. Winter visitors write of the gayety and extravagance of the throngs in the palatial hotels, of the balls, the concerts, the gambling, the desecration of the Sabbath, and the general wickedness . . . and that while New Orleans was a delightful place in which to spend a winter, as a place of residence, it was to be recommended only to those whose motto was 'a short life and a merry one.' "[83] "Society . . . has very little resemblance to that of any other city in the Union. It is made up of a heterogeneous mixture of almost all nations.[84] At the top are the Creoles, an exclusive class dealing little with strangers. Not only was this class hostile to Americans, but also to native Frenchmen. "At the same time they are yet more distrustful of the newcomers from France, often men of superior acquirements, in every case more enterprising than the somewhat idle old Creole stock. At the elections therefore the Creoles never give their vote for a Frenchman naturalized in America; they rather give it to a Yankee."[85] Just below the Creoles in social standing came the Americans, then the watermen, etc.

The mutual hostility of Creole and American colored municipal and state history almost from its beginning down to the Civil War, and it was only the disasters of reconstruction days that fused the two.[86] Why there was this difference and enmity can easily be seen.

> Difference in language was doubtless a great obstacle in the way of friendly relations between the two classes, but differences in religion, in customs (often considered as moral standards) and in temperament, together with the lack of common interests and the fact that each lived in his own way, in his own particular part of town among people of his own sort prevented early amalgamation. . . .[87] Creole

[82] Joseph Holt Ingraham, *The Sunny South: or the Southerner at Home, Embracing the Five Years' Experience of a Northern Governor in the Land of Sugar and Cotton* (Philadelphia, 1860), 38.

[83] Florence Roos Brink, "Literary Travellers in Louisiana between 1803 and 1860" (Master's Thesis, in Louisiana State University Library, Baton Rouge, 1930), 9-10.

[84] B. M. Norman, *New Orleans and Its Environs* (New Orleans, 1845), 73.

[85] Francis and Theresa Pulszky, *White, Red, Black: Sketches of American Society in the United States* (New York, 1853), 94.

[86] John S. Kendall, "Municipal Elections of 1858," in *Louisiana Historical Quarterly*, V (1922), 356.

[87] Brink, *op. cit.*, 24.

> children went to church schools while American children were sent north or were taught at home. Even the children's balls were divided into French and American scetions. The Americans were profoundly shocked at the French way of keeping Sundays. Temperament, too, played its part. The Creole, according to the common report, was passive and conservative; the American aggressive and progressive. Consequently while the American sneered at the leisurely habits and contentment of the Creole, the Creole doubtless found the abrupt manner and lack of polish of the self-satisfied successful American equally irritating. . . .[88]

A New Englander, Lanman, wrote: "Selfishness, vanity and a limited knowledge of the world, seem to be the distinguishing features of the Creole race."[89] Mr. Pulszky writes that Creoles think Americans wicked because children do not obey their parents as they should, "especially in marrying."[90]

This animosity began with the annexation of Louisiana in 1803 by what, to the settlers, was an alien race. "The Creoles objected to the introduction of English, which so few of them understood, as the official language of the city, and especially that the governor, Claiborne, did not understand their tongue, the French. They complained of the large number of Americans appointed to the new courts and offices instead of these positions being filled by natives of New Orleans, and they asserted that the new courts showed favoritism to Americans in their decisions. Other causes of objection to the new dominion were the formation of American military companies and their indiscreet parades in the public streets [and] . . . the interference of the American authorities with the public balls."[91] Mercier described this French feeling at the "intrusion":

> Our fathers issued from a race little amorous to great commercial speculations, peacefully enjoyed the leisures of agricultural life, and spent the winters in the midst of the fetes of the capitol when Louisiana all at once was united to the American Confederation. Now, on the limits of Canal Street . . . a few counters represent those who henceforth would become our brothers.[92]

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> In one wink of the eye . . . that . . . took the proportions of a suburb and now that suburb is a city, with a vast port,

[88] *Ibid.*, 26.
[89] *Ibid.*, 27.
[90] *Ibid.*, 28. Little was known of the Creoles until Cable wrote about them; they, however, resented his stories of their moral laxity.
[91] Rightor, *op. cit.*, 95.
[92] Mercier, *op. cit.*, 37.

> churches, hotels, verandahs, theatres, etc., and it is that city, side by side to ours, which will end up by absorbing us and annihilating us, if we don't take care; its ports stop the merchants who descend the river before they arrive to ours, and already we see the ships . . . ascend towards the new anchorage, where there is more activity.[93]

In the first constitutional convention, 1812, "took place the historic efforts of the Americans to change the name of the state to Jefferson. It was a proposition warranted to inflame the Creoles to the point of frenzy and it did so." Marigny relates that one of the members, Louis de Blanc de St. Denis, declared that if such a proposition had any chance of success, he would arm himself with a barrel of powder and blow up the convention.[94] The city authorities being Creole, all improvements—pavings, etc.—were made on the lower side of Canal Street and none were allowed above. A petition to extend the wharves in 1836 in the Faubourg St. Mary was summarily rejected, and a meeting was held in the American quarter to ask for separation from the French. The Legislature rejected the petition at first, claiming it would cause too heavy taxation. Samuel J. Peters, the American leader, then asked the city council to make the needed improvements on money borrowed from the Americans; this petition failed also.[95] As a result of these differences, the Legislature in the same year divided the city into three municipalities, each having a distinct government with many independent powers, yet with a Mayor and General Council with a certain superior authority.[96] The municipalities had complete control of their own affairs, taxes, paving, etc., but once a year the General Council met in the City Hall to exercise such delegated powers as imposing wharfage taxes.[97] "It was the idea of local self-government pushed to an extreme. . . . During its existence many important public improvements were made. At the same time, the system afforded many opportunities for corruption and extravagance. Large floating debts were contracted."[98] Marigny, the most promi-

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[93] *Ibid.*, 38.

[94] George C. H. Kernion, "Samuel Jarvis Peters, the Man Who Made New Orleans of Today and Became a National Personality," in *Publications* of the Louisiana Historical Society, VII (1913-1914), 75.

[95] *Ibid.*

[96] William W. Howe, "Municipal History of New Orleans," in *Johns Hopkins University Studies in Historical and Political Science*, VII, Pt. 4, p. 15.

[97] Rightor, *op. cit.*, 96.

[98] Howe, *loc. cit.*, VII, Pt. 4, p. 15. The First Municipality, the *Vieux Carré*, consisted of four wards of chiefly French population; the Second, the Faubourg Ste. Marie, of two, of American population; the Third, the Faubourg Marigny, of one, of Irish and German.

nent Creole leader and the largest landholder of the city, protested against this "judgment of Solomon" because he saw that his beloved section would be outstripped by the Americans.[99] What he predicted came true.

> In the faubourg St. Marie, the development outstripped that in all other quarters. The change in the nature of the city's commerce caused her trade to fall largely into new hands. The French and Creole merchants, looking to the West Indies, to France, and to Spain, for a continuance of the old interchange of products and merchandise, were forced to witness the growth of New Orleans outside the former boundaries and abreast the landing place of the Western and Southern produce fleet . . . coffee, indigo, sugar, rice, foreign fruits and wine the older town managed to retain; but cotton, tobacco, pork, beef, corn, flour, and Northern and British fabrics, in short, the lion's share . . . went to the new city.[100]

Though some of the Creoles disclaimed any interest in the American quarter,[101] as a class they did not succumb without a struggle. Marigny attempted to make improvements in the Vieux Carré, dividing his property with streets, but nothing came of it. Many of his countrymen condemned him for not selling out to Peters.[102] The building of the St. Louis Hotel (about which more will be said later) with which Soulé had much to do was the greatest and most successful attempt of the Creoles to match the Americans. Two examples will suffice to show the ever growing ascendancy of the American. In 1846 but two newspapers were published in the First Municipality—the *Bee* and the *Courrier*.[103] The following year the Legislature declared the publication of judicial advertisements in French not necessary in twenty parishes, most of which were in the North. (Before this they had been published in both languages throughout the state.)[104] The

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[99] It was too unequal a struggle. "He and they with their antiquated principles were as children before the keen witted Americans."—Grace King, *Creole Families of New Orleans* (New York, 1921), 43.

[100] George F. Waring and George W. Cable, *History and Present Condition of New Orleans and Its Environs and Report of the City of Austin, Texas* (*Social Statistics of Cities, Department of Interior, Tenth Census*, Washington, 1881), 43.

[101] "Some of the old Frenchmen in the city proper, who have rarely trusted themselves three squares beyond their favorite cabarets, are very incredulous of the reported progress and improvement in the faubourg St. Mary." A story is told of one who thought that section a mud flat.—Norman, *op. cit.*, 68.

[102] Peters wanted to make the Vieux Carré modern, with a hotel, warehouses, cotton presses, etc. Marigny finally decided to sell at a fabulous price, but then his wife refused to sign the deeds; whereupon Peters angrily said he hoped to live to see rank grass grow in the gutters of his faubourg—which he did.—King, *op. cit.*, 44.

[103] *Daily Delta*, Sept. 27, 1846.

[104] François Xavier Martin, *The History of Louisiana from the Earliest Period. . .* (New Orleans, 1882), 448.

Legislature in 1852 consolidated the three municipalities, together with the city of Lafayette, and made stringent provisions for funding the debts.[105] This was done because of the high taxation and large debts incurred under the old regime.[106] A Mayor and Assembly were provided, the latter to consist of two chambers with the aldermen elected by municipal districts and assistant aldermen by wards. In one year the commissioners appointed to lessen the debt wiped out five millions of the seven millions, seven hundred thousand dollars debt. This charter lasted until 1870. This change in the city government was a landmark in the French-American struggle for supremacy, marking the victory of the latter. "By this movement, the second municipality . . . became the acknowledged center and core of the whole city. Its municipality hall became the municipality hall, its public grounds became the chosen rendezvous of all popular assemblies; its streets became the place of business for all the main branches of trade; the rotunda of its palatial St. Charles . . . usurped the earlier preeminence of the St. Louis Bourse and became the unofficial guild-hall."[107]

Soulé took a prominent part in this French-American struggle as one of the foremost champions of the former.[108] "The aim of Pierre Soulé's political thought was always to give to the Franco-American population"[109] a clear force which could make it uphold a struggle with its rival, with equal arms. "Nothing exclusive nor hostile with him, a sincere admirer of the energy and the spirit of Union which characterizes the Second Municipality; he presented it ceaselessly to the Creoles as a better model to follow."[110] Leon Soulé adds, "There was in New Orleans the part of the population of French origin for whom Soulé held the standard. . . . No one has ever risen above him to the height of a role as difficult and as necessary. . . . He was a providential savior. . . . Soulé was one of the first to see this danger [American immigration] and at the head of his co-citizens of French origin, he disputed the ground piece by piece with the Anglo-Americans

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[105] Howe, *loc. cit.*, VII, Pt. 4, p. 16.

[106] "They are agitating the question in St. Louis of dividing the city. If the St. Louisians desire to multiply offices and increase taxation, they will make the division by all means—if not, they will not."—*Daily Delta*, Aug. 5, 1846.

[107] Waring and Cable, *op. cit.*, 55.

[108] His marriage did much to endear him to the Creoles and his home became a Mecca for them.—Gaillardet *op. cit.*, 7.

[109] Mercier, *op. cit.*, 49.

[110] *Ibid.*, 50.

as orator in the meetings."[111] At the same time "he early understood and accepted willingly the future fusion of the population of Louisiana and of the Anglo-American race. Far from deploring that necessity, he predicts that from a combination of these two elements would come most happy results and on account of that he thought that the Creole population was never to abdicate the traditions nor the genius of the mother country."[112] He was again to become their champion.

Soulé wanted to return to France sometime. "He entertained above all the project of returning there when he began to feel the fatigue of forty years of unceasing labor, in the middle of a devouring climate and when he judged that his acquired fortune had not in this country a too solid foundation."[113] The Revolution of 1830 had reopened to him the gates of his native land. He thought he might now occupy a useful place in the Chamber of Deputies. "He followed with a constant attention the movement of the public mind in Europe and particularly that secret work which, under an apparent lethargy, insinuated the democratic principle into the veins of France."[114] In 1838, he bought the domain of Cannes, in France; managed passage to Havre, and had said good-bye to his friends and acquaintances when he learned that the panic of 1837 had swept away his fortune.[115] "It was for him a great grief to see the ship, which was to bring him back to his native shore, go away; but hope is the virtue of strong souls. It gave him back his courage which he needed to repair the flaws of his fortune."[116] With the resignation and energy typical of his character,[117] he soon regained his wealth. During this period of restoring his fortune, he pled some of his most important cases.

To understand the effect of this panic on Soulé, we must glance at the financial history of New Orleans from 1824 to 1845 and Soulé's connections therewith. "Louisiana from the very begin-

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[111] Soulé, *op. cit.*, 75.

[112] Mercier, *op. cit.*, 33.

[113] Soulé, *op. cit.*, 19.

[114] Mercier, *op. cit.*, 52. He continues, "No one seemed to him to better formulate the aspirations of people towards the realization of an ideal with which he was familiarizing himself more and more than M. Lamennais."

[115] His relative, Bernard Marigny, lost his fortune also. In 1839, his resources amounted to $915,000, with debts amounting to $320,000, of which $280,000 was owed to the Citizens Bank [of which he was one of the directors]. Crops failed in 1840 and 1841 and his plantation had to be sold. His property barely covered what he owed the bank.—King, *op. cit.*, 49-50.

[116] Mercier, *op. cit.*, 54.

[117] Soulé, *op. cit.*, 21.

ning encouraged banking capital to develop her wonderful resources by taking an interest, subscribing State funds to the capital, and participating in the profits [of banks, for instance] . . . . Many joint banks and property banks [Louisiana Bank, 1804; Bank of Orleans, 1811, etc.] obtained their charters from the State upon assuming a specific obligation to create some public utility, or to promote some great enterprise for the greater comfort of the people, or facility for trade and commerce."[118] As early as 1824 overtrading had begun. In the next few years many stock companies were chartered by the Legislature. Real estate values became highly inflated (1832). Among the banks begun in 1880, the largest was the Citizens Bank of Louisiana,[119] with a capital of twelve million dollars.[120] "The amount to be subscribed for by the stockholders was $14,400,000 in 144,000 shares of $100 each, to be guaranteed, secured, and pledged by mortgages on real estate. . . . The subscriptions were to be divided between New Orleans and the country districts as follows: New Orleans, $8,400,000 and the country $6,000,000."[121] "The plan of this institution was to advance to any planter on the mortgage of his lands, slaves, and capital, one-half of their estimated value in specie, at six percent, for twenty years, he being obliged to pay back each year one-twentieth of the sum lent."[122] The bank was a "boomer" from the start, and gave great impetus to the improvement of plantations, the building of houses, etc.[123] In 1836, "the General Assembly pledged the credit of the State to this bank—'an overgrown institution'—which paid its cashier ten thousand a year—and tried in vain to raise twelve million dollars in Europe."[124]

The New Orleans Banking and Improvement Company, with one million dollars capital, was incorporated on "February 26, 1834, for the purpose of purchasing real estate. . . . This com-

[118] S. A. Trufant, "Review of Banking in New Orleans, 1830-1840," in *Publications* of the Louisiana Historical Society, X (1917), 29.

[119] James E. Winston, "Economic History of New Orleans," in *Mississippi Valley Historical Review*, XI (1924), 216. This bank was the oldest financial institution in the state.

[120] Martin, *op. cit.*, 435. The capital was over-subscribed; the subscriptions amounted to $25,857,600, according to Trufant, *loc. cit.*, X, 30.

[121] Rightor, *op. cit.*, 593.

[122] Martin, *op. cit.*, 436.

[123] The building first used was built by the Improvement Bank while Soulé was its president. It subsequently moved to Royal and Customhouse streets (*Biographical and Historical Memoirs of Louisiana*, I, 292) and was replaced by the Consolidated Bank (Waring and Cable, *op. cit.*, 51). The bank, which stood on Toulouse Street between Royal and Chartres, won fame in the 1830's for the stability of its notes and bills that readily passed current everywhere. Its ten-dollar note bore upon its back the French word for ten—*dix*. Hence these banknotes throughout the West were referred to as "Dixies." The transition, as applied to the land from which these notes came, was naturally made. The South has been Dixie ever since.—Henry E. Chambers, *A History of Louisiana* (New York, 1925), I, 584.

[124] Martin, *op. cit.*, 436.

pany built the first St. Louis Hotel. . . . One of the conditions of the charter . . . required it to build three steamboats to run on the Red River, Upper Coast, and Lake Ponchartrain trades, respectively. The Legislature selected the Directors of the Company, who were J. F. Canonge, Alonzo Morphy, Felix de Armas, Henry F. Denis, F. Gardere, E. J. Forstall, and Nod Barthelemy Le Breton."[125] The Legislature of 1836 conferred banking privileges on the company and increased the capital to two million dollars.[126] In 1837, Soulé was made president of this corporation "created in the interests of the Vieux Carré"[127]—a position he could not have held in France.[128] He was also director in the "Company of Architects of the Eighth District of New Orleans [chartered in 1834], a building association for the district named."[129] But disaster was approaching. The speculation craze had reached its height about 1835. In 1835 and 1836, banks were created with a capital of nearly forty million dollars. The banks issued paper to the amount of several times their capital.[130] "A state of affairs now existed in Louisiana of the most extraordinary character. An enormous value was placed upon lands covered with water; towns were laid out in the midst of cypress swamps; prairies were set on fire, and speculators were ready to snoop at every islet."[131] "The banks in New Orleans had about $2,500,000 in their vaults, $7,000,000 in circulation, and a capital of $37,000,000."[132]

The inflation of note issues by the State banks soon precipitated the hoarding of specie and demonstrated the unsoundness of our financial system as soon as the restraining influence of the Central Bank (the United States Bank, the bill for whose recharter Jackson vetoed) was removed.[133] When people demanded specie and not bank notes, the crash came. "All the banks suspended specie payments, including those of Louisiana. The

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[125] Rightor, *op. cit.*, 594.

[126] *Biographical and Historical Memoirs of Louisiana*, I, 187.

[127] Soulé, *op. cit.*, 18; T. P. Thompson, "Early Financing in New Orleans: Being the Story of the Canal Bank, 1831-1915," in *Publications* of the Louisiana Historical Society, VII (1913-1914), 30, says Soulé was made president in 1832.

[128] "He had just been named president of a bank which was not compatible over there in France with the functions of a lawyer, that profession not being placed, as in France, under the control of a counsellor and of a president of the order of French lawyers."—Gaillardet, *op. cit.*, 6.

[129] *Biographical and Historical Memoirs of Louisiana*, I, 186.

[130] Thompson, *loc. cit.*, VII, 28.

[131] Martin, *op. cit.*, 439. "There was a great boom—and we thought it meant prosperity. Gigantic improvements were planned. Imports were more than exports."—Rightor, *op. cit.*, 596.

[132] Emma Cecilia Richey and Evelina P. Kean, *The New Orleans Book* (New Orleans, 1915), 32.

[133] Trufant, *loc. cit.*, X, 35.

paper currency became greatly depreciated, as is always the case in such circumstances; ruin and desolation seem to have overspread the land; every kind of industry was paralyzed; produce of every sort fell so low that it hardly paid for the cost of transportation; the value of real estate fell to nothing; credit, which is the life of commerce, died away; and agriculture languished from the want of stimulation."[134] On May 13, 1837, fourteen New Orleans banks suspended specie payments—all but the Merchant's Bank, which lasted a few months longer. Meanwhile the municipalities began to issue money.[135] The Legislature of 1838, under the leadership of Governor White, tried to remedy the situation by limiting the notes issued by requiring State banks to have at all times in their vaults specie equal to one-third of their note issue, and that the maximum note issue should not exceed one-fifth of the paid-in capital."[136]

The resumption of specie payments by the banks in 1838[137] did not last long, and these institutions again forfeited their charters—a penalty from which they had been released by the Legislature. In consequence of this suspension, unprecedented distress and embarrassment pervaded every class of society. The Governor, in a message delivered January 7, 1840, attributed the general crisis to the destruction of the Bank of the United States.[138] Two banks were paying specie by 1842, though it was apparent by then that the weaker banks must go under as banks began to refuse notes of others whose insolvency was expected and a "Board of Currency" was adopted for the latter.[139] In 1842, the Legislature passed a law extending bank charters if they would resume payment of specie by November of that year (charters were automatically revoked when such payments stopped). The Citizens, the Improvement, and three other banks accepted; but the Improvement bank notes soon fell to a discount of thirty to thirty-five percent. By June 1, 1843, eight banks had resumed payment.[140]

Governor Mouton in 1843 found the State greatly in debt, but by the next year conditions had improved.[141] In 1843, the

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[134] Charles Gayarré, *History of Louisiana* (New Orleans, 1885), IV, 658. Sugar planters were ruined. Cotton was raised but increased production brought its price down also.—Martin, *op. cit.*, 440.

[135] Rightor, *op. cit.*, 596.

[136] Trufant, *loc. cit.*, X, 35.

[137] Martin, *op. cit.*, 441, says the banks were restored to their chartered rights and privileges in 1839. Rightor, *op. cit.*, 596, states that the stronger banks supported the weaker ones from 1839 to 1842.

[138] Gayarré, *op. cit.*, IV, 660.

[139] *Ibid.*, IV, 661.

[140] Rightor, *op. cit.*, 598.

[141] Gayarré, *op. cit.*, IV, 661.

Citizens Bank was liquidated, but later reorganized.[142] So strong a sentiment against banks arose that the Constitutional Convention, then in session (1844-1845), provided that no banking corporation be established in Louisiana;[143] thus the banking monopoly was given to a few houses that bore up under the financial stress, and resumed payment of specie in 1842.[144] The New Orleans Improvement Company "went under", and was liquidated in 1847.[145] Conditions steadily improved then—"the banks were extinguishing their bonded debts and 'promises to pay'—and there was once more a sound currency."[146] "These eight years of suspension and financial demoralization, however disheartening during their continuance, had a most beneficial effect. They taught New Orleans safe banking, and the result of this bitter experience was the adoption of a banking system that proved perfect and of a banking law which continued unchanged up to the time of the Civil War."[147] However, "chartered banking" was renewed by the Constitution of 1852.[148] An act of the Legislature in 1853, passed over the Governors veto, restored the Citizens Bank to its position held in 1842, before its charter was forfeited; it had to restore to the State $800,000 worth of bonds.[149]

One event closely links for us the struggle for supremacy between the French and Americans in New Orleans and the financial history of the city, together with Soulé's interest in both—the building of the St. Louis Hotel. To understand the importance of hotels in the life of New Orleans in the first half of the nineteenth century, we must realize that the city was the Paris of the South—the winter rendezvous of rich Southern planters and Northern merchants. These, together with a great many New Orleanians who lived there only during the winter,

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[142] Rightor, *op. cit.*, 598. W. C. C. Claiborne was its president in 1842.—Thompson, *loc. cit.*, VII, 30.

[143] By the Constitution of 1845, the legislature could not contract debts over $100,000 except in specified cases; the state could not be a stockholder in companies; no corporate body could be created with banking privileges; no corporation could last more than twenty years.—Gayarré, *op. cit.*, IV, 668-669.

[144] Richey and Kean, *op. cit.*, 32.

[145] Martin, *op. cit.*, 448; Thompson, *loc. cit.*, VII, 40; Rightor, *op. cit.*, 594.

[146] Martin, *op. cit.*, 445.

[147] Rightor, *op. cit.*, 600.

[148] "The creation of banks by acts of the Legislature, instead of permitting banking under only a general corporation act of the Constitution, would permit chartered banking. 'Chartered banking' had been the curse of the state, declared one journal [*Weekly Delta*, Aug. 15, 1852] of New Orleans, which feared that some members of the Legislature had not acted unequivocally in this matter, which raised such a dangerous Legislative power."—James Kimmins Greer, "Louisiana Politics, 1845-1861," in *Louisiana Historical Quarterly*, XII (1929), 601.

[149] *Daily Picayune*, March 11, 1853. (We have sketched the vicissitudes to which the banks in which Soulé was interested were subjected—the Improvement and Citizens.)

stayed in the various hotels.[150] In 1836, there were but two hotels —and those rather small ones.[151] Soulé and his friends realized not only the need for a large hotel, but the opportunity it would afford the French element for a meeting place. As Mercier quaintly puts it, "In his thought, it was necessary to establish a center of rallying. . . . His convictions soon made proselytes and one saw at the desired moment the palladium from where our influence began to shine on Louisiana."[152] And as Leon Soulé says, "This creation realized the intimate political thoughts of Pierre Soulé, whose purpose was to give to the Franco-American population a proper strength."[153] The building was financied by the New Orleans Banking and Improvement Company, of which Soulé was president; the cost was a million and a half dollars.[154] The site chosen was the square bounded by St. Louis, Toulouse, Chartres, and Royal Streets. Actual work was begun in 1836,[155] but stopped the following year because of the panic.[156] The building was, however, finished several years later, though on a somewhat smaller scale than originally planned. Pierre Maspero was the first manager.[157] In 1841 it was burned. Mercier's comment on this misfortune is interesting:

> Perhaps the ornaments of that room were too rich; they crushed by too much splendor the toilette of the ladies. And, too, we suspect that our Creole belles do not cry tears of blood, on seeing them disappear. But that which caused us all a profound regret was the destruction of the paintings of the ceilings. . . . For us, who are persuaded that if the arts are to flourish in America one day, it is first of all in Louisiana that they will brighten, the loss of the paintings was a personal chagrin. . . . Have you ever lost a fortune, fruit of long work? a manuscript, on which you based your most radiant hope. . . . If that misfortune has happened to you, you will understand with what grief P. Soulé was seized when he saw the flames devour one of the most beautiful titles which can merit for him the affection of his adopted country. And, too, with what keen eloquence, he expressed his sadness, when an assembly was gathered to discuss the

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150 "New Orleans can claim to have originated the American hotel—the caravansary, immense in size, gorgeous in its furnishings, and grand in its table d'hote, so different from anything to be found in Europe or any other country."—Will Heard Coleman, *Historical Sketch Book and Guide of New Orleans* (New York, 1885), 71.

151 *Ibid.*

152 Mercier, *op. cit.*, 44-45.

153 Soulé, *op. cit.*, 19.

154 Fortier, *Louisiana*, II, 226; Trufant, *loc. cit.*, X, 33, records the cost as $900,000.

155 The St. Charles was built about the same time by the Exchange Bank of the Second Municipality.—Greer, *loc. cit.*, XII, 314. This and the St. Louis were the first two great American hotels, antedating the Astor House of New York.—Coleman, *op. cit.*, 72.

156 Coleman, *op. cit.*, 77.

157 *Ibid.*, 78.

> reedification of the hotel St. Louis. . . . His words did not fall into space; the hotel St. Louis was reconstructed [a few years later] in its original plan, with a few modifications . . . and the memory of the fire was effaced in the past as one of the bad dreams which awakening dissipates.[158]

Alvarez and Hewlett were managers of this second hotel.[159] That it did not prosper is shown by the fact that for five years previous to the burning of the St. Charles Hotel in 1851, it had not been rented and was offered at a purely nominal rent in 1850. After the St. Charles burned, the management of that hotel took charge of the St. Louis.[160] The Citizens Bank bought it but was forced to foreclose mortgages several times.[161] Leased as a State House in 1874, it was purchased for that use the following year for a quarter of a million dollars; and as such it was often besieged during Reconstruction days. The hotel was gradually falling into decay when in 1884, Rivers, the proprietor of the St. Charles, leased it and reopened it under the name "Royal Hotel". It, too, was torn down during the early years of the twentieth century,[162] and now but a sign placed there by a construction company marks the site of this once famous hostelry.

But let us look at that hotel in its heyday. It covered two hundred feet on Royal Street and a hundred and twenty on Chartres. The building itself was of Tuscan and Doric style. The main entrance, composed of six columns in the Doric and Composite style, lead to the vestibule of the Exchange, which was a hundred and twenty-seven feet by forty. From this, access was had to the main rotunda (open from noon to three in the afternoon) which was surrounded by arcades and galleries open to the public. The gallery floor around the rotunda and the stairs were iron.[163] The great bar under the rotunda was a slave market.[164] The ballroom which was on the second floor reached by a side entrance[165] could accommodate two hundred guests—here were given the annual subscription balls, and the one for Henry Clay (which cost twenty thousand dollars).[166] The great

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[158] Mercier, *op. cit.*, 49.
[159] Coleman, *op. cit.*, 71.
[160] Greer, *loc. cit.*, XII, 394.
[161] Coleman, *op. cit.*, 78. In the same paper that gave notice of Soulé's death was an announcement that Hall, of the St. Charles, was offering for sale the furniture of the St. Louis Hotel.—*Daily Picayune*, March 29, 1870.
[162] "No trace remains [1922] of the old St. Louis Hotel. It was demolished eight years ago because the owners refused to make the repairs demanded by the health authorities."—Arnold Gentho, *Impressions of Old New Orleans: A Book of Pictures* (New York, 1926), 26.
[163] *Biographical and Historical Memoirs of Louisiana*, I, 191-192.
[164] Fortier, *Louisiana*, II, 226.
[165] Norman, *op. cit.*, 158.
[166] Fortier, *Louisiana*, II, 226. "Its ballroom was superior to any other in the United States in size and beauty."—Brink, *op. cit.*, 47; Norman, *op. cit.*, 158.

dome had been decorated with frescoes (by Canova and Pinoli) of allegorical scenes and busts of famous Americans.[167] The hotel was in the very center of French life, Chartres being the most fashionable as well as the principal business street of the city,[168] surrounded by costly residences and stores. From this rather prosaic account, we turn to descriptions of it as given by contemporaries. The first is from the pen of a cynical New Yorker:

> It possesses quite the air of an Italian ducal palace and the idea is nursed by the view of dirty streets, and dirty faces, and dirty mustaches all about, and by the cafes and casinos sprinkled around within convenient hailing. Tall buildings and smoky chimneys hedge it in. . . . Magnificient intention and gigantic plan . . . stood its godfathers . . . and . . . were remarkably injudicious . . . [It is] the headquarters of Creole loaferism. . . . It is warmly and spiritually supported at lunch time and o'evening; and its rotunda (a gloomy looking place with its echoes and marble pavements) surrendered to groaning deputy sheriffs and ranting auctioneers. . . . One may hear nosed more French than a nervous headache could withstand in a minute's time.[169]

Another Northerner is more glowing in his praise: "It looks like a superb Parisian palace, a palace in all its internal appointments and comfortable elegances of appointment. It is a grand French Tuilleries looking affair."[170] The same writer in his *Southwest* writes further: "We passed a large building, the lofty basement story of which was lighted with a glare brighter than that of noon. In the background, over the heads of two or three hundred loud talking noisy gentlemen who were promenading and vehemently gesticulating in all directions, through the spacious rooms, I discovered the bar with its peculiar dazzling array of glasses and decanters containing 'spirits'."[171] On certain occasions, at night, it was brilliantly illuminated—once celebrating the victory of Scott and Taylor. "The St. Louis Hotel, fronting as it does on two streets, afforded a great opportunity for display, which was well improved. The three different transparencies,

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[167] "Canova has displayed his genius on its walls, with gods and goddesses standing out in the respective panels, in bold relief, and where old Neptune, with his water nymphs, have a good time generally."—Cuthbert Bullitt, "Remembrances of New Orleans and the Old St. Louis Hotel, from the Scrapbook of Miss Grace King", in *Louisiana Historical Quarterly*, IV (1921), 128.

[168] Joseph Holt Ingraham, *The Southwest* (New York, 1835), I, 93.

[169] Hall, *op. cit.*, 71.

[170] Ingraham, *The Sunny South*, 337.

[171] Ingraham, *The Southwest*, I, 93.

decorated as they were with wreaths, and Chinese lanterns, and variegated lamps surmounted by a golden eagle, showed to more advantage perhaps than any other similar decoration in the town. The main entrance to the building was rendered brilliant beyond compare, and contributed very largely to the general effect produced by this fine structure all bathed in light."[172] Jackson was triumphantly carried to the hotel after paying his fine to Judge Hall's marshal;[173] the Constitutional Convention of 1845 (of which Soulé was a member) met in it;[174] and Herz gave his piano recitals there.[175] More somber events took place as well in this hotel—the bodies of Ringgold and Cochran, men killed in the Mexican War, were brought to it and a guard of honor placed over them. The coffins were set in a black cenotaph and a black velvet pall strewn with flowers placed over it. The galleries were hung with black velvet hemmed in white. A flag stood at the head.[176]

Though unable to return to France permanently in 1837, Soulé did make a short visit to his old home in 1842. "All the city of Castille ran out to meet him, a horse guard at its head. The *vivas*, the affection, the most touching, informed him of the affection and enthusiasm of his compatriots. Soulé was greatly moved by these demonstrations for which he kept always the sweetest memory. Installed in his old lordly residence of Cannes [a typical feudal castle, with thick stone walls, a drawbridge over the moat surrounding it, battlements, narrow windows, lofty rooms, and a dungeon], he received and feted there the friends of his childhood, priests, comrades of the Esquille, mayor, local notables, and the inhabitants of the neighboring villages swarmed to his welcome and spoke with him the patois which they thought he had forgotten. One could say that this night was an event in the mountains. It lasted a month and a half; Soulé left there for Paris; and returned to New Orleans at the end of November, 1842."[177]

One of the most prominent men in the city of New Orleans, Soulé's charm and manners made him a leader in the social activities of that gay capital. "His manners in social life were gentle and winning," but, true Frenchman that he was, "his nature was

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[172] *Daily Picayune*, May 16, 1847.
[173] Coleman, *op. cit.*, 73.
[174] Henry Castellanos, *New Orleans As It Was* (New York, 1895), 149.
[175] *Daily Picayune*, Feb. 23, 1847.
[176] *Ibid.*, Dec. 6, 1846.
[177] Soulé, *op. cit.*, 22-23.

proud, aspiring and impatient, and any opposition to his wishes quickly roused its sleeping force and vehemence. He was a very positive man in everything, though he rarely abandoned the persuasive in manner."[178] Mercier pays high tribute to his conversational ability. "How many hidden treasures his intimate conversations discover for you";[179] and to his gayety of manner, "His laughter does much good; there is in his gayety a confidence which communicates itself; one feels that it is the efflorescence of strength."[180] Soulé was greatly interested in the arts: "We would not know how to praise M. Soulé too much for the encouragement he gives the arts. In that, not only does he add to the comforts of his home, but he offers a good example to his compatriots."[181] He was also an ardent supporter of the opera. We have a pen picture of him at the opera. "Nearly opposite him [G. S.] sits a keen-eyed, bandit-looking gentlemen who, in various ways, has been the plaything of Fortune; to whose subtle eloquence many a villain owes his unstretched neck; and who, as you catch his reflected countenance in the adjoining mirror you involuntarily say would be much more likely to feel at home, at some future day, amid the tumultous debates of a French Chamber of Deputies than in the United States Senate."[182] The above was written by the same man who wrote so derisively of the St, Louis Hotel.

Soulé had many friends. Eliza Ripley writes that he was one of the visitors to her father's house in "13 Building" on Julia Street, between Camp and St. Charles, then a very aristocratic section, as were also Clay and Gayarré.[183] "The kindness, the exquisite tact, and sincere sympathy with which [he] bore himself towards his younger brethern of the bar"[184] has been recorded. Carleton Hunt, a fellow-lawyer, wrote of him, "Meanwhile I had learned to be fond of M. Soulé (as well as to admire his talents) because of the kindness and liberality with which he treated me in the course of our [first] case."[185] "He had had, many years

[178] *Daily Picayune*, March 27, 1870.

[179] Mercier, *op. cit.*, 95.

[180] *Ibid.*, 96.

[181] *Ibid.*, 98.

[182] Hall, *op. cit.*, 96.

[183] Eliza Ripley, *Social Life in Old New Orleans: Being Recollections of My Girlhood* (New York, 1912), 170.

[184] *New Orleans Times*, March 30, 1870.

[185] Nixon vs. Piffet was his first case against Soulé—and he lost it. Burford was engaged to help him in the upper court, but absented himself on the day of the case, giving Hunt the fee when the case was done.—Hunt, "Address", *loc. cit.*, 61.

before, some differences in open court with members of my family. Meeting my father abroad not long after the decision in Nixon vs. Piffet, he showed in the noblest way his disposition to make friends, by rendering devoted offices to Dr. Hunt at a season when he sorely required them, and also by the praises it pleased him to fasten on my endeavors to do my professional duty. There grew up in my heart a greateful attachment for M. Soulé."[186] Occasionally his legal combats were not of the friendliest. Carleton Hunt wrote: "I once witnessed the concluding portion of an encounter between Mr. Soulé and the late E. Warren Moise, then Attorney General, and himself a fiery debater. It occurred in the Criminal Court before Judge Theodore Gaillard Hunt. Mr. Soulé attacked the Attorney General in language of contumely, and defied him. The Judge interposed, with quiet dignity, to prevent a further outbreak."[187]

He aided three men of some note—Dufour, Remy, and Achille Murat. Dufour, author of sketches of men of his time, studied law under his tutelage.[188] Remy, like Soulé, was born in Southern France and had left to seek political freedom in New Orleans. "He was befriended by Pierre Soulé, who then and for years afterwards, was a leader in Louisiana at the bar and in politics. Under his guidance Henry Remy read law and was admitted to practice on May 19, 1840. . . . While he acquired from Soulé a legal training, he also imbibed the political principles of his teacher; indeed, a common bond existed between them for their friendship survived until death."[189] In 1844, Remy offered for subscription a history of Louisiana up to that time. Though a hundred and forty-eight people signed, it was not printed because it criticized too severely the histories of Gayarré and Martin. In 1854 he "published a well written *Historie de la Louisiane* in the *St. Michel*, a weekly paper of the parish of St. James. It is to be regretted that the publication of this history was discontinued when the author had proceeded as far as 1731. The wars against the Natchez and the Chicassas are related with great impartiality and many details and we see very often that justice was not always on the side of the white man. Mr. Remy praises Bienville

[186] *Ibid.*

[187] *Ibid.*, 60.

[188] *Weekly Delta*, Sept. 20, 1849.

[189] Henry P. Dart, "Remy's Lost History of Louisiana", in *Louisiana Historical Quarterly*, V (1922), 6.

as governor, but blames the French government for its unwise colonial administration."[190]

Now as to Murat, Gaillardet writes: "I met there [Soulé's home] the prince Achille Murat, who having emigrated to the United States, as so many of the members of the Bonaparte family had done, had wished, too, to enter into the Louisiana bar. Pierre Soulé had directed him in his studies; had stood as godfather for him; had installed him in his home, with his wife, and had placed his purse at their disposition; for the resources of this young couple were meager. The prince did not lack talent, but he lacked bearing and conduct, and had to renounce his stay in New Orleans in order to take refuge in . . . Florida, where he died a little while afterwards."[191] Soulé placed himself again in the service of his widow, until the day she was taken back by her family.[192] There yet remains to be discussed Soulé's relations with Meija and Sentmanat (whose daughter married Neville Soulé). "H. G. H." wrote the following card a few days after Pierre Soulé's death:

> It was my good fortune to be associated with him in the guardianship of the daughter of the lamented Gen. Meija, and I gave her away in marriage in New York, many years ago to the son of a former Danish consul of that city, now a resident, with his family, in the city of Mexico. Gen. Meija and his associate patriots from New Orleans lost their lives in fighting against Gen. Santa Anna, then President of Mexico, when he endeavored to make all the States of Mexico subservient to a central form of Government, for which he was afterwards banished from Mexico. Gen. Meija's colaborer in the same cause, Gen. Sentmanat, another partriot . . . sacrificed his life . . . and after death was mutilated by having his head boiled in oil.[193]

A newspaper tells us more of Sentmanat. Born in Cuba, he came to the United States, but later went to Tabasco, Mexico, where he became a revolutionary leader. He exposed the frauds of Ribaud, the corrupt surveyor of the port of Tampico, and later fought a duel with him. A few years later he led a filibustering expedition against the Tabasco government. Forced to land, his men deserted or were captured, and he himself was captured by a Frenchman, de Ampudia, who hated him, and was shot.[194]

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[190] *Biographical and Historical Memoirs of Louisiana*, II, 65-66.

[191] "He died April 15 [1847] at his residence in Jefferson County. The son of Joachim and Caroline (sister of Napoleon) Bonaparte Murat, king of Naples, he was expelled from Italy, lived in Austria for a time, and came later to this country. He was a brilliant, but eccentric man."—*Daily Picayune*, April 27, 1847.

[192] Gaillardet, *op. cit.*, 78.

[193] *Daily Picayune*, March 30, 1870.

[194] *Daily Delta*, Jan. 8, 1847.

Soulé, the successful lawyer and social leader, now took a natural,[195] but far-reaching step: he embarked on the stormy seas of politics. As to whether his oratorical talents were better displayed in political speeches or in judicial pleadings, Dufour remarks: "I put the pleadings of Mr. Soulé infinitely above his speeches. . . . [However, he] is certainly not at a loss in making such a speech [political]. He has an ardent nature, the spirited temperament of a demagogue. But, according to my way of thinking, those who have only seen him there are ignorant of the great power of his talent."[196] That he exercised considerable influence on the course of Louisiana political history during the eighteen forties and fifties will be realized by a study of his career. Greer epitomizes this (and others') influence: "A striking feature of Louisiana politics during this period [1845-1861] was the prominence of the personal elements due to the unusual characteristics of such leaders as Soulé, Benjamin, Slidell, and Randall Hunt. The most interesting discovery (to the author himself) was that the faction of the Democrats in Louisiana, which during the latter part of the period, was allied with Buchanan or radical elements in the national party was the conservative wing headed by Slidell; while the group which followed Stephen A. Douglas and other Northern conservatives was in Louisiana the ultra Southern faction of Pierre Soulé."[197] "He entered politics, in the first presidential election after he began his legal career, as a public speaker on the Democratic side."[198] His choice of party, a natural one (a political exile would choose the most liberal group and to his opinion the Democrats were such;[199] in addition, they were far more friendly to foreigners than the Whigs),[200] was fortunate. Whig sentiment had been predominent in Louisiana until 1845. "After that time, a highly organized Democratic party controlled the state [which by 1858 was nearly all-powerful]".[201] The reasons for this supremacy are not difficult to discover. For one thing, the party came to

[195] The legal profession was then, as it is now, often the stepping-stone to the field of party strife.

[196] Robert William Colomb, ed., "Dufour's Local Sketches: Pierre Soulé", in *Louisiana Historical Quarterly*, XIV (1931), 231.

[197] Greer, *loc. cit.*, XII, 318.

[198] *Appleton's Cyclopedia of American Biography*, V, 611. From the commencement of his political career he was a states rights Democrat.—*National Cyclopedia of American Biography*, III, 117.

[199] *New Orleans Times*, March 30, 1870.

[200] W. Darrell Overdyke, "History of the American Party in Louisiana" (Master's Thesis, in Louisiana State University Library, Baton Rouge, 1930), 7.

[201] Mary Lilla McLure, "The Elections of 1860", in *Louisiana Historical Quarterly*, IX (1926), 606.

represent proslavery interests.[202] In addition, Northerners who came to the upper portion of the state and Europeans who emigrated to the cities and towns were, or became, Democrats. This ascendancy led to the formation of cliques and rings.[203]

In the presidential election of 1840, Soulé was one of the four chief campaigners in Louisiana (the others were Grymes, Mazureau, and Prentiss).[204] It was then "that Soulé and Mazureau were arrayed against each other. . . . Mazureau was a proud, educated man, somewhat pedantic and scholastic, with a great contempt for those who, with the same academic advantages, aspired to cope with those who had borne off the honors of the schools. Soulé was one of those objectionable aspirants for whom the powerful old Frenchman was wont to express his profound disdain. But his young antagonist never failed to turn every expression of this feeling to account, and in a very short time brought his overbearing opponent to a full sense of the equality of their talents. . . . [In answer to Mazureau's taunt that he possessed but one shirt when he came to this country,[205] he retorted that it was true and] that shirt he still preserved in his wardrobe, as a holy relic; it was worth more to him than an Emporer's purple or the costliest robes of wealth or royalty; coarse and homely, it was the appropriate garb of a poor exiled republican driven by his love of liberty from the soil of despotism to this land of freedom and democracy. It was in that shirt, but a short time before, that he had baptized his only son in the true democratic faith, and in that humble garment he hoped to be wrapped when his body should be conveyed to its last resting place."[206]

In the early years of Soulé's career could be heard the first faint rumblings of the slavery agitation which later so engrossed his energies—disapproval of abolition petitions, passage of a law (though vetoed) forbidding negro importation, rumor of a slave insurrection. Martin wrote in 1826, "The slavery agitation was a growing and irritant issue."[207] The Governor in 1826

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[202] *Ibid.*, IX, 609.

[203] *Biographical and Historical Memoirs of Louisiana*, I, 54.

[204] Alcée Fortier, *History of Louisiana* (New York, 1904), III, 229. No especial mention is made in Prentiss's biographies of this trip to Louisiana.

[205] Incidentally, Judge Martin's arrival in America was similar to that of Soulé. "He landed on our shores, young, moneyless, and friendless, and what is a harder fate than that of most of the poor emigrants to this country, he had no trade or profession to which he had been trained and upon which he could always rely for support."—*Daily Delta*, Nov. 20, 1846.

[206] *Ibid.*, June 29, 1850.

[207] Martin, *op. cit.*, 424.

laid before the Legislature "Resolutions of the States of Connecticut, Delaware, New Jersey, Indiana, Illinois, Georgia, and Mississippi, the five former approving, the two latter disapproving a Resolution of the State of Ohio, recommending to Congress and to the States the abolition of slavery."[208] The Ohio resolution was not concurred in, but the Georgia resolution authorizing a Constitutional amendment against slave importation contrary to State law was agreed to.[209] Johnson in 1828 vetoed the bill to prohibit free negroes and persons of color from entering the State because to Congress alone is given the power to regulate commerce—and part of the bill dealt with ships—because a negro might be a French or English subject and because a citizen of one State has all the privileges of another State. About 1830, "several persons were detected travelling about the country and endeavoring to excite the blacks to insurrection and the populace would have punished them very summarily had they been so permitted. The Legislature, thereupon, passed a law, making it death for anyone to excite the blacks against the whites, either by writings, sermons, speeches made at the bar or in the theatre, or to bring into the State any pamphlet having that tendency and for that object. Teaching slaves to read was also forbidden."[210] Even disunion (Banquo's ghost to Soulé) must have been mentioned for Governor Roman, in his inaugural address, said: "Demagogues may speak of disunion and threaten to assemble Conventions for the purpose of resisting the laws of the United States; they cannot succeed in their attempt. But even should they contrive to convoke those assemblies, no serious damage would result to the Union."[211] However, he was fully aware that increasing slavery agitation would endanger the Union, for in his second inaugural address he considered "that the incendiary doctrines on which it was based had come from the other side of the Atlantic, and were propagated among us by a foreign influence, with a view to bring about the disolution of the Union."[212] Martin wrote in 1838:

> The agitation of the slavery question was spreading and growing. The lower house of Congress was becoming the scene of unseemly debate. Eastern and Western members vituperatively inveighed. Southern members vainly ap-

[208] Gayarré, *op. cit.*, IV, 648.
[209] Martin, *op. cit.*, 424.
[210] *Ibid.*, 431.
[211] Gayarré, *op. cit.*, IV, 654.
[212] *Ibid.*, IV, 659.

> pealed to the guarantees of the federal constitution, or parliamentary rules, or, when some negrophilist's speech exceeded all license, left the House. The General Assembly of Louisiana, at the present session, declared in emphatic language its approval of the course pursued by the Southern members of Congress in manifesting their determination, manfully and with energy to resist by all constitutional means, any attempt which may be made to abolish slavery in any portion of the union by the action of Congress.[213]

Although the slavery question as such did not enter into this campaign of 1840 (one plank of the Democratic platform, for instance, declared that Congress had no right to deal with slavery),[214] sentiment concerning it had been throughout the eighteen thirties slowly crystallizing in North and South. The abolition movement in the North began with the publication of the *Liberator*, January 1, 1831,[215] and had slowly gained adherents despite opposition of mercantile interests, society people, and churches,[216] which sometimes culminated in riots;[217] and by 1840 it boasted two hundred thousand members or sympathizers.[218] Their influence lay in changing the attitude of the North from a passive tolerance of slavery to a passionate evangelical belief that it was their Christian duty to stamp out the "curse" wherever it existed.[219] Their effect on the South was to check the tendency to study the question dispassionately and to unite the people in a fervent defense of their peculiar institution.[220] "The time had long since passed when it was possible for Southern people to consider calmly the merits or demerits of the institution. The South was on the defensive, and passion had now arisen so high that to doubt the propriety or morality of slavery was to take sides with those who were believed to be enemies of the South—it was moral treason."[221] Calhoun realized from the outset that abolition struck at the very heart of Southern life. To him, slavery seemed a necessity as enfranchisement of a group so alien, making up one-third of the population of the South, would spell the destruction of white supremacy[222] (in the maintenance of which is found the keynote of Southern history).

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[213] Martin, *op. cit.*, 441.

[214] Frank R. Kent, *The Democratic Party: A History* (New York, 1928), 132.

[215] James Ford Rhodes, *History of the United States from the Compromise of 1850 to the End of the Roosevelt Administration* (New York, 1928), I, 53.

[216] *Ibid.*, I, 59.

[217] *Ibid.*, I, 61.

[218] *Ibid.*, I, 74.

[219] *Ibid.*, I, 63.

[220] *Ibid.*, I, 68-69.

[221] *Memorial Record of Alabama* (Madison, Wis., 1893), II, 46.

[222] Percy Greg, *History of the United States, from the Foundation of Virginia to the Reconstruction of the Union* (Richmond, 1892), II, 5.

The presidential election of 1844 was the first in which slavery was an important factor. "Slavery was now clearly before the conscience of the country and could no longer by tacit agreement or understanding be sidetracked or shelved in a campaign. From this point on the stream widened and the party ships tossed about in the rapids headed for the rocks."[223] It was sixteen years before it finally struck, but every campaign accelerated its speed and brought it closer.[224] It is for us to notice here how inextricably interwoven it was with the question of the annexation of Texas—the main issue of 1844. The Texas issue "literally reeked with slavery and anti-slavery poison. The real thing at stake was whether slavery should be extended into new territory or not."[225] The Mexican government had tacitly allowed the American settlers in Texas to disregard the law prohibiting slavery.[226] With the independence of Texas recognized by 1837, a movement to unite it with the United States was begun. It was opposed in the North because of the probability of the extension of slavery. Webster said: "I regard slavery in itself as a great moral, social and political evil. . . . I shall do nothing, therefore, to favor or encourage its further extension. . . . In my opinion, the people of the United States will not consent to bring into the Union a new, vastly extensive, slave-holding country."[227]

Annexation, as one writer states, made abolitionists out of many Northerners.[228] The South, on the other hand, enthusiastically supported the idea. Four states could be formed from Texas and thus the balance of power between the North and South could be restored.[229] Feeling rose so high that in some quarters both sides talked of a rupture of the Union; for example, a Whig Convention in Vermont[230] and several Southern meetings advocated disunion.[231] Van Buren refused to take any steps towards annexation[232] and the question remained dormant until Tyler appointed

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[223] The Democratic Party was composed of Southern farmers, Northern farmers, and Northern merchants. On only one subject, slavery, did they disagree and it had been shelved until now. In this election the question could not be disregarded and the split that all but wrecked the party in 1861 had its inception.—Kent, *op. cit.*, 139-140.

[224] *Ibid.*, 147.

[225] *Ibid.*, 137.

[226] Rhodes, *op. cit.*, I, 76.

[227] *Ibid.*, I, 77.

[228] Bertha B. Kennedy, "Louisiana in the Mexican War" (Master's Thesis, in Louisiana State University Library, Baton Rouge, (1930), 83.

[229] Rhodes, *op. cit.*, I, 79.

[230] John Bach McMaster, *A History of the People of the United States from the Revolution to the Civil War* (New York, 1907), VII, 321.

[231] *Ibid.*, VII, 363.

[232] Rhodes, *op. cit.*, I, 77.

Upshur[233] (1843) and Calhoun (1844) to the post of Secretary of State. All three were ardent annexationists. Calhoun negotiated a treaty of annexation, defending it on the ground that otherwise England might seize Texas and that slavery was a positive good. The Senate refused, however to ratify the treaty.[234] The question was then injected into the election of 1844. Polk was selected as the Democratic candidate[235] (with annexation as a platform), Van Buren having lost the nomination because of his opposition to annexation and the extension of slavery. The Tennesseean was elected president, Van Buren supporting him in New York and the Abolitionists helping him by taking votes from Clay.[236] In consequence, a number of bills and resolutions for annexation appeared in the Congress that convened in December, 1844.[237] Douglas' motion to extend the Missouri Compromise line through Texas was opposed because most of that state lay to the south of that line,[238] and lost.[239] "The resolution, as finally passed, declared that Texas should be admitted to the Union provided that its State Constitution be submitted for the approval of Congress before January, 1846, and that all forts, etc., be ceded to the United States. Not more than four states were to be formed out of its territory. Slavery was prohibited north of 36° 30′, and the question left to the inhabitants south of that line."[240]

As the annexation of Texas was the beginning of the events that culminated in the crisis of 1850-1851, we should know what was the sentiment of Louisiana concerning it. The state strongly favored the union of Texas and the United States. Meetings in its favor were held throughout the state. It was said that nine-tenths of the citizens of New Orleans supported the idea. Many feared that England would seize Texas, if left to itself, and that in consequence Louisiana, and New Orleans especially, would be in grave danger.[241] Let us ascertain what action the state legislature took concerning the subject. Governor Mouton, in his message to the legislature in 1845, said he believed the people of the state firmly thought that annexation was necessary "for the

[233] *Ibid.*, I, 78.
[234] *Ibid.*, I, 81.
[235] *Ibid.*, I, 83.
[236] Kent, *op. cit.*, 147.
[237] McMaster, *op. cit.*, VII, 392-393.
[238] *Ibid.*, VII, 403.
[239] *Ibid.*, VII, 394.
[240] *Ibid.*, VII, 394-395.
[241] Kennedy, *op. cit.*, 4-8.

safety and tranquillity of the citizens of the State."[242] A committee to which that section of the mesasge was referred reported, however, that it was inexpedient to act on the measure. At the same time, though, Gayarré submitted a minority report, recommending annexation; and he defended it the following day,[243] declaring emphatically that if Texas were not added to this country, slavery might be abolished.[244] He said that "private letters showed that there was not more than a majority of three in the Senate opposed to the measure, among whom were our own Senators, and that timely advice or instruction to them from our Legislature might have an important bearing on the fate of the measure."[245] On the other hand, some members feared that slaves would leave Tennessee, Kentucky, and Maryland and go to Texas, thereby weakening those border states and making abolition possible there; others thought that Texans should decide for themselves whether or not they wanted slavery (Gayarré's resolution provided that Texas be admitted as a slave state). "Mr. Campbell, however, expressed the attitude of most of the citizens of the State when he stated that all guarantees found in the Missouri Compromise should be extended to Texas."[246]

Notwithstanding, a resolution providing that before Texas came into the Union, there should be a guarantee to the slaveholding states that slavery should be tolerated within the limits of Texas, was laid on the table.[247] Gayarré's resolution passed 38 to 16. It was presented to the United States Senate by Senator Henry Johnson. Barrow, the other Louisiana Senator, opposed it because he feared depreciation of value of land within the state;[248] because more free states might be formed than slave; and because he wanted the South to be a compact unit. He argued, too, that, although the election returns had given Polk and annexation a slight majority in Louisiana,[249] the will of the people had been flagrantly thwarted by frauds, especially in Plaquemines Parish.[250] Slidell, in answer to Barrow's accusation, retorted that

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[242] *Ibid.*, 15.
[243] *Ibid.*, 16-17.
[244] *Ibid.*, 86.
[245] *Daily Picayune*, Jan. 11, 1845.
[246] Kennedy, *op. cit.*, 86.
[247] *Ibid.*, 85.
[248] *Ibid.*, 17-19.
[249] New Orleans gave Clay a majority of 414.—*Baton Rouge Gazette*, Nov. 9, 1844.
[250] John S. Kendall, "Review of New Books: *John Slidell*, by Louis Martin Sears", in *Louisiana Historical Quarterly*, IX (1926), 599.

nine-tenths of the frauds were Whig in origin.[251] Sears writes of the Plaquemines vote: "Strong bodies of roughs were imported into doubtful districts . . . apparently by both sides;"[252] Garrison, "on the whole, though there was considerable evidence of actual illegality in the vote of Plaquemines, it was by no means sufficient to prove that Louisiana was carried by Polk by fraud";[253] Kennedy, "[That was] partly responsible for the majority vote for annexation. The *New Orleans Bee* stated that it was only due to this fraudulent Plaquemines vote that the state went for James K. Polk. The *Courrier*, a Democratic paper, denied the Plaquemines Frauds, and stated that even without the Plaquemines vote, the Democrats of Louisiana had the majority of the vote. It was, in fact, agreed that Clay was fairly elected by the majority vote, taking the vote of 1840 as a basis."[254]

While opposing annexation, the people of Louisiana did not desire disunion. "They thought that there were no greater enemies of free institutions than those who weighed party questions in the balance with the Union. . . . They thought it was best to give Texas up rather than to have the Union dissolved."[255] The *Picayune*, for instance, states: "It is positively humiliating to read, so often as we are constrained to do, the inflammatory appeals of partisan editors and politicians threatening the dissolution of our glorious Union";[256] and again, "It shows both a want of patriotism and perception."[257]

CHAPTER II

IN THE CONSTITUTIONAL CONVENTION

The overwhelming surge of American immigration into Louisiana which, as we have learned, had given rise to the Anglo-Creole struggle for supremacy, also caused an insistent demand for a more democratic government, which resulted in the calling

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[251] Louis Martin Sears, *John Slidell* (Durham, 1925), 40. He, however, admitted he had carried voters to Plaquemines; but denied fraud, saying he took only those who had not voted in New Orleans and that he had done what he had in accordance with the Constitution.—George Pierce Garrison, *Westward Extension, 1841-1850* (New York, 1906), 139.

[252] Sears, *op. cit.*, 39.

[253] Garrison, *op. cit.*, 140. "The frauds in the parish of Plaquemines did not, as is sometimes asserted, make Polk president."—"The Election Frauds in Plaquemine Parish, Louisiana, in 1844", in *Louisiana Historical Quarterly*, X (1927), 402.

[254] Kennedy, *op. cit.*, 8-9. Incidentally, New Orleans elections were proverbially corrupt.—Pierce Butler, *Judah P. Benjamin* (Philadelphia, 1907), 66.

[255] Kennedy, *op. cit.*, 87.

[256] *Daily Picayune*, Aug. 9, 1844.

[257] *Ibid.*, Dec. 31, 1844. It is interesting to note in passing that the state legislature in 1833 passed resolutions condemning secession and nullification.—Fortier, *History of Louisiana*, III, 222-223.

of a Constitutional Convention in 1844.[1] It coincided, too, with the rise of Jacksonian Democracy.[2] "The Constitution of Louisiana, as first formed [1812] was far from being in accordance with the spirit of the American Union. It had been made to satisfy the alien prejudices in favor of hereditary government, existing in the State in its early years."[3] Fortier declares it to be less republican than that of any other state.[4] For example, the General Assembly, under its provisions, could veto the choice of the people for Governor and if the Governor died in office the presiding officer of the Senate became Governor.[5] Generally speaking, the people demanded three important changes: abolition of property qualifications for voting,[6] equalization of representation in the Senate, and reform of the Judiciary.[7] In addition, taxes were on the average four times as heavy in Louisiana as in any other state,[8] the Louisiana rate being two dollars per capita, as compared to fourteen cents in some other states.[9] The Democrats generally favored making a new Constitution and the Whigs opposed. "The Senate twice rejected the bill to call the convention, then when it was passed, Governor Roman vetoed it; but it was finally carried due to the commercial disasters which followed the flush times."[10] The people, in 1842, by a large majority,[11] voted for a new Constitution and accordingly the Legislature, March 18, 1844, ordered an election in July for the members (seventy-seven in number) of the Convention.[12]

"The election for members to the State Convention, being concurrent with that for those to the Legislature, they generally preferred having their names placed on the former ticket, as it would afford a wider field for the display of their talents, and be the means of associating their names—as the framers of an

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[1] "The years preceding its adoption [Constitution of 1845] had witnessed an extraordinary development both in wealth and population. The great influx of immigrants, chiefly English-speaking Americans, bringing with them habits and customs more or less at variance with those of the ancient inhabitants of the state, furnished the main inspiration for a change in the organic law and resulted in bringing this law into closer approximation to the principles of the common law."—Fortier, *Louisiana*, I, 598.

[2] Chambers, *op. cit.*, I, 598.

[3] Maurice Thompson, *The Story of Louisiana* (Boston, 1888), 242.

[4] Fortier, *Louisiana*, I, 257.

[5] Chambers, *op. cit.*, I, 598.

[6] *Proceedings and Debates of the Convention of Louisiana, Which Assembled at the City of New Orleans, January 14, 1845* (New Orleans, 1845), 99. (Hereinafter cited as *Proceedings and Debates.)*

[7] *Ibid.*, 149.

[8] *Ibid.*, 115.

[9] *Ibid.*, 727.

[10] *Biographical and Historical Memoirs of Louisiana*, I, 51-52.

[11] Baton Rouge voted 620 to 80 against.—*Proceedings and Debates*, 106. Rapides Parish voted 600 or 700 for to 13 against.—*Ibid.*, 245.

[12] Fortier, *Louisiana*, I, 256-257.

organic law—with more enduring fame."[13] The election was held on July 1. "Although much excitement existed at the different wards, there was little or no fighting or disturbance. . . . [It] was closely contested, but the general impression is that the Whigs have carried a majority of their candidates";[14] thus the election in New Orleans was reported the following day. Soulé was one of the successful candidates, having received 479 votes in the First Municipality and 235 in the Second.[15] Other Democrats elected from New Orleans were Cenas Eustis and Bernard Marigny (a member of the 1811 Constitutional Convention); the Whigs were Roselius, Mazureau, Conrad, Benjamin, Claiborne, and Culbertson.[16] Other members of the Convention (we shall meet them later) were Kenner, Garcia, Downs, Scott, and Splane.[17]

Here is a part of a newspaper sketch of Soulé which appeared at this time. He "is distingushed for his talents as a pleader and public speaker. His style of manner is entirely French, and those who can appreciate the beauties of that language, decide that he is a brilliant orator. There are few, if any, public men, whose vernacular tongue is not the English that can at all compare with Mr. Soulé for the force and beauty with which he expresses himself in this language. . . . He is in favor of universal suffrage and an elective judiciary. . . . Mr. Soulé is 42 years of age."[18]

To reach Jackson, the place of meeting for the Convention,[19] the New Orleans delegates travelled by boat to Port Hudson and thence by stagecoach. The trip (made on August 4) was somewhat trying—rain, mud, no lodgings to be found in Jackson (although it had been reported three days previous that extensive preparations had been made for the reception of delegates and that "there are still hundreds of empty beds of the best quality").[20]

The Convention assembled on August 5 at eleven o'clock in the morning, Judge Lafayette Saunders of East Feliciana Parish presiding. Marigny was elected president *pro tem.* After a mo-

[13] *Daily Picayune*, Jan. 9, 1844.
[14] *Ibid.*, July 2, 1844.
[15] *Ibid.*
[16] *Ibid.*, July 3, 1844. Slidell was elected to Congress at this time.
[17] *Official Report of Debates in the Louisiana Convention* (New Orleans, 1845), 1-2. (Hereinafter cited as *Report of Debates.*)
[18] *Daily Picayune*, July 5, 1844.
[19] That Jackson was selected was considered a Democratic and rural victory.—Butler, *Judah P. Benjamin*, 78.
[20] *Daily Picayune*, Aug. 7, 1844.

tion had been made for the appointment of a committee on elections and credentials, Judge Guion moved that the names of members claiming to be elected be first read by the clerk in order to ascertain who were present and who absent. Soulé objected. "He knew of no certified list as authentic; and any one made by an unauthorized party should not form the basis of any action on the part of the Convention. After considerable discussion a motion was passed [creating the elections] committee—to be composed of five members."[21] Soulé also announced that he would plead for the seating of Plauché and La Sere who claimed to be elected from New Orleans—they were absent that day.[22] The following day this committee reported that only those who could show election certificates should be given seats; but, as this ruling would exclude unopposed men, the Convention decided to refer the report back to the committee with instructions to report in favor of all members taking their seats who could furnish proof, on honor, of their election and to whose retaining their seats there was no objection.[23] In progress of a discussion of rules to govern the Convention, Soulé proposed to limit all speeches to half an hour; but he was opposed by Kenner, Roselius, and Downs.[24] On August 7, Joseph Walker was elected president, receiving 38 votes to 34 for John R. Grymes on the fourth ballot.[25] His triumph was considered a victory for the radical section of the Democrats, as Grymes had been supported by the conservatives.[26]

Two days later, the resolution for changing the Constitution came up for consideration (marking the beginning of real work). On August 10 various committees were appointed;[27] three of these had a Democratic majority, four a Whig, and the remainder were equally divided.[28] Soulé, with Roselius, Grymes, Eustis, Preston and others, was selected for the Judiciary Committee,[29] an important assignment when we remember that judicial reform was one of the three major changes demanded by the people.[30]

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[21] *Ibid.*, Aug. 9, 1844.
[22] *Ibid.*
[23] *Ibid.*
[24] *Report of Debates*, 4-5.
[25] The result of the first three ballots was:
First: Garcia 28; Walker 28; Marigny 8; Scattering 1.
Second: Grymes 35; Walker 36; Marigny 1.
Third: Grymes 36; Walker 37.—*Ibid.*, 9.
[26] *Daily Picayune*, Aug. 9, 1844. "The real division in the Convention was into radicals and conservatives, the latter embracing a few democrats and all the whigs being in a majority."—*Daily Delta*, May 28, 1852.
[27] *Report of Debates*, 20.
[28] *Proceedings and Debates*, 142.
[29] *Report of Debates*, 20.
[30] *Proceedings and Debates*, 149.

This businesslike attitude of the delegates brought a hope of adjournment within a month,[31] but it was not to materialize. That this Convention membership differed little from one today is manifest as we read that when someone proposed that no pay be given to them, they "picked up their ears, as a herd of deer would on the approach of a hunter."[32] Soulé tried to block advancing the Convention printer a thousand dollars for his work before it was completed, but failed.[33] The committee on the New Orleans disputed election reported on the 15th, the majority being in favor of leaving the question to the Convention and the minority of seating Conrad and Benjamin. "Mr. Soulé spoke for some time in his usual fervid and eloquent manner in support of the grounds taken by the majority of the committee."[34] First arguing that the seating of Benjamin and Conrad was no *prima facie* evidence of their election, he stated that the crux of the matter was whether or not there had been legal returns in the Second Ward of the Second Municipality and that the Convention itself must decide as to the validity of those votes. If they were not valid, La Sere and Plauché would be entitled to seats.[35] Conrad replied the next day, defending his right to his seat. Downs supported him.[36]

The same day committee reports on the Legislature, the Governor, Judiciary, impeachment, etc., were read.[37] Soulé said he differed in several respects from the recommendations of both the majority and minority reports of the Judiciary Committee and that he would give his reasons later.[38] Anxious, as he said himself, that his constituents know what was happening, he moved that two clerks be appointed to translate the proceedings into French.[39] The motion carried. He, Roman, Garcia, Eustis, and Claiborne were appointed to supervise the publication and translation of the Convention proceedings.[40] The same day (August 18) Downs' resolution referring the New Orleans elec-

[31] *Daily Picayune*, Aug. 14, 1844.
[32] *Ibid.*
[33] *Report of Debates*, 29.
[34] *Daily Picayune*, Aug. 18, 1844.
[35] *Report of Debates*, 41-42.
[36] *Ibid.*, 58.
[37] *Daily Picayune*, Aug. 20, 1844.
[38] *Report of Debates*, 86.
[39] *Ibid.*, 89. Late in the session, Marigny's motion that both French and English be spoken in the Legislature passed 26 to 21.—*Proceedings and Debates*, 836.
[40] *Report of Debates*, 91.

tion back to the committee passed 39 to 28, Soulé voting against.[41] An attempt to resurrect the question next day failed.[42]

Meanwhile, a movement to adjourn was gaining ground. Voorhies, on the 19th, moved an adjournment from the 22nd until January. Ratcliff strongly opposed it, declaring it was not illness or lack of accommodations that prompted such a motion, but rather the pure indolence of its members.[43] He believed New Orleans was no place to meet.[44] The following day Downs, Dunn, Marigny, and Preston argued against it. It was said, for instance, that it would be a sheer waste of time and money to adjourn after all the reports were in and twenty-five thousand dollars spent. Soulé and Wadsworth supported the motion, saying that books, maps, etc., needed in studying various questions that would arise could not be procured out of New Orleans.[45] Soulé declared he had no selfish desire in wishing to adjourn, but merely wished the opportunity to consult the people. He quoted from the Declaration of Independence the accusation that the English king had forced the colonial legislatures to meet in unusual places.[46] The "moral influence" he attributed to New Orleans, Preston bitterly excoriated.[47] After considerable discussion a motion to adjourn passed 44 to 31; a written protest was, however, presented against such a course.[48] Incidentally, La Sere and Plauché were given the regular salary and mileage; the motion to this effect had passed on the 23rd by a vote of 35 to 30, Soulé voting for it.[49] The Convention adjourned next day.[50]

The Convention reassembled at noon, January 14, 1845, in the Ball Room of the St. Louis Exchange.[51] Forty-nine delegates

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[41] *Ibid.*, 92.

[42] The matter was finally settled by Benjamin and Conrad resigning and the holding of another election on November 25, 1844, in which these delegates were again elected over LaSere and Plauché.—Butler, *Judah P. Benjamin*, 76-77.

[43] *Daily Picayune*, Aug. 23, 1844.

[44] *Report of Debates*, 94-95. The New Orleans members—lawyers and notaries—would be hindered from attendance at Convention sessions because of private business.—*Ibid.*, 99. As a matter of fact such an apprehension seems justified by this editorial written near the end of the Convention: "We notice in the published list of absent members of the Convention quite a large number of names almost daily. Amongst these the names of our city and parish representatives are generally and particularly conspicuous. . . . Not one of these gentlemen are on leave! We s'pose it is all right, though. Let the city take care of itself. Who wouldn't be a member of the Convention? Six dollars a day and 'roast beef'."—*Daily Picayune*, May 3, 1845.

[45] *Daily Picayune*, Aug. 23, 1844.

[46] *Report of Debates*, 104-106.

[47] *Ibid.*, 108. Soulé presented his minority report on the Judiciary at this time.—*Ibid.*, 114.

[48] *Ibid.*, 118-119.

[49] *Ibid.*, 121-122.

[50] *Ibid.*, 131.

[51] Fifteen dollars per day was paid for the rent of the Ball Room and five small rooms. These, however, were reserved on certain nights for society balls.—*Proceedings and Debates*, 3-4. The total cost was $926.—*Ibid.*, 422. On and after March 12, 1845, the Convention met in the hall of the House of Representatives.—*Ibid.*, 402.

were present.[52] Soulé was unable to attend because of illness and had left the city (Garcia asked and obtained for him a leave of absence).[53] When (January 15) a motion was made to grant Miles Taylor a leave of absence because of illness in his family, Eustis declared that, although this and Soulé's case were necessary, to grant such leaves was a pernicious rule and should not be allowed.[54] Soulé returned on the 20th.[55] Preston's motion for annual legislative sessions was defeated 59 to 7.[56]

The next question for discussion was the fixing of the term of state and parish residence necessary for a member of the state legislature, the two-year provision having been stricken out of the report;[57] and once again we meet the spectre of the old Creole-American rivalry—this time in the guise of Native Americanism. (Again we find Soulé a valiant defender of the foreign-born.) That the spirit of anti-foreignism had never died is shown by the enacting of a law in 1825 prohibiting aliens from holding any office, civil or military, within the state[58] and the passage by the State House of Representatives of a resolution in 1841, asking Congress to amend the naturalization laws to require twenty-one years of residence for one to become a citizen.[59] However, foreigners were not ill-treated. "They actually enjoy advantages over our own citizens. They can bring their suits in the U. S. Courts and carry them up by appeal to the Supreme Court of the United States. They can cite a man in any part of the State and require him to come down to New Orleans and answer their demands, while citizens are required to sue citizens in the parish of their residence. The Spaniard can obtain justice according to the principles of his own code—which is not true in New York."[60]

In the Convention, Dunn and Conrad took this opportunity to advocate five years residence in order that immigrants might thoroughly learn Louisiana laws and traditions.[61] The proposal

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[52] *Ibid.*, 3.

[53] *Ibid.*, 14. Soulé was absent several times because of illness, as on February 24 and April 25.—*Ibid.*, 86, 816.

[54] *Ibid.*, 15. Incidentally, the fears of those who thought there would be too many diversions for the proper dispatch of work seem immediately justified by this editorial comment: "If tardiness of progress be a characteristic of great bodies, it is an attribute to greatness to which the Convention may justly lay claim."—*Daily Picayune*, Jan. 16, 1845.

[55] *Proceedings and Debates*, 45.

[56] *Ibid.*, 51.

[57] *Daily Picayune*, Jan. 22, 1845.

[58] Martin, *op. cit.*, 423.

[59] Overdyke, *op. cit.*, 4.

[60] *Weekly Delta*, Aug. 14, 1849.

[61] *Proceedings and Debates*, 57-59.

lost by a vote of 33 to 32, but one for a four-year requirement passed 34 to 31. Soulé voted against both.[62] Voorhies' motion that for a naturalized citizen the residence requirements be computed from the date of naturalization, Downs opposed as intolerant and "unworthy of the genius and liberality of Louisiana",[63] and Marigny as oppressive.[64] Lewis suggested one year, declaring that the principle of requiring excessive length of residence "is based on exclusion of many, treating them inhospitably, in order to guard against a very few."[65] Voorhies' provision carried 39 to 32, Soulé casting a negative vote.[66] The next day Downs bitterly denounced the Native-American movement. Though as old as the Federal Constitution, it had been, he said, consistently opposed by Washington, Jefferson, and Madison. "I repeat [he said] . . . that no example can be pointed out of any detriment having ever been done to the United States by a naturalized citizen, either in a military or civil capacity."[67] In his reply to Grymes' contention that an apprenticeship was necessary for foreigners, Marigny claimed that the adherents of such a proposal wanted in reality to retain the old undemocratic constitution. He prefaced his argument with a compliment to Soulé: "The gigantic conception and prodigious subtlety of the arguments that have been employed call for the experience, the eloquence, and the learning of one of my colleagues (Mr. Soulé)."[68] Benjamin, in a brilliant speech made in behalf of a long residence clause, "showed clearly that he considered unrestricted naturalization and immigration, whether from foreign countries, or from Northern States, a source of danger to the community"[69]—he really feared abolition sentiment that one day might obliterate all parties.[70] Eustis opposed such a clause as unnecessary.[71] Voorhies' motion failed to pass—the vote was 37 to 37.[72]

A related subject next discussed, the right of suffrage, brought another clash over Native-American sentiment. "The difference between this and the corresponding section in the old Constitu-

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[62] *Ibid.*, 60.
[63] *Ibid.*, 62.
[64] *Ibid.*
[65] *Ibid.*, 65.
[66] *Ibid.*, 70.
[67] *Ibid.*, 77.
[68] *Ibid.*, 82.
[69] Overdyke, *op. cit.*, 8.
[70] Butler, *Judah P. Benjamin*, 85.
[71] *Proceedings and Debates*, 91.
[72] *Ibid.*, 94.

tion is . . . that the property qualification of the latter is done away with, and that the residence requirement in the State is extended from one to two years, and in the parish from six to twelve months."[73] Preston recommended a one-year requirement in order to encourage immigration.[74] Grymes[75] declared that the purpose of suffrage restriction (common then) was to prevent rash legislation. As the discussion advanced, such radical Native-American sentiment (denounced by one member as Asiatic in origin and worthy of the parentage from which it sprang[76]) as this was expressed: "The great mass [of foreigners] are the rabble, the dissolute, and the vicious; the pauper and ignorant. A few of them make good citizens, but precious few."[77]

It should be stated here, though, that the Native Americans denied that their party organization was inimical to foreigners. Larue, one of the leaders of the movement in New Orleans, said it merely desired laws to keep uneducated, pauper, and criminal foreigners from interfering with the government, and that it was not opposed to foreign immigration.[78] The attitude of the Whigs and Democrats, too, towards foreigners should be noted. Briefly, the former opposed and the latter favored. The Whigs supported the Native Americans in the special election for State Senator from New Orleans in 1843.[79] A better example is the election of 1844. "The Whigs clashed with the naturalized citizens who, under Democratic leadership, endeavored to vote by presenting the fraudulent papers granted by Judge Eliot . . . !"[80] The Democrats carried the State by means of the notorious Plaquemines frauds and occasioned the Legislature to petition Congress to amend the naturalization law. The Senate of the United States appointed an investigating committee on these naturalization frauds. The Whigs helped this committee, but the Democrats did not. The understanding between the Democrats and newly made citizens became more marked over the entire country, as the time went by.[81] A Democratic candidate in 1851, for instance, "pointed with pride" that his party favored naturalized citizens, saying,

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[73] *Daily Picayune*, Jan. 25, 1845.
[74] *Proceedings and Debates*, 100.
[75] Downs said it must be remembered that Grymes came from Virginia, a state with closely restricted suffrage.—*Ibid.*, 117.
[76] *Ibid.*, 114.
[77] *Ibid.*, 124.
[78] Overdyke, *op. cit.*, 3.
[79] *Ibid.*, 7.
[80] *Ibid.*, 9. Judge Eliot was impeached, but the election was declared valid.—*Ibid.*, 7.
[81] *Ibid.*, 9-11.

"We have shortened the length of time required to enable them to vote in the popular elections."[82] To return from this digression—a motion to strike out the residence requirement of two years was defeated 44 to 23, Soulé voting with the majority.[83]

Now comes one of the most striking scenes of the Convention.[84] Claiborne's motion withholding the suffrage from naturalized citizens, residents of the State, for two years from the date of their citizenship had been called up for consideration. Its author briefly explained that his object was "to prevent the fraudulent fabrication of American citizens [he referred to the wholesale granting of false naturalization powers by Judge Eliot], an operation which was performed more particularly at times preceding an election, by steam, as it were."[85] Eustis opposed it, contending "that it was as an unjust innovation on the settled laws and policies of the States of the Union, that harmony would be destroyed by such a course, and that the correct way of checking the evil of fraud would be by enforcing the law which was all-sufficient."[86] Marigny argued that the principle involved had already been rejected in the defeat of the nine-year residence clause, and declared that the real purpose of the motion was to check the growing power of New Orleans. To scorn the patriotism of naturalized citizens was unjust.[87] Downs, too, added his voice to their protests. His speech at this juncture was so well thought of by the foreign-born residents of New Orleans that they presented him with a memorial and a medal.[88] Soulé "spoke in English most eloquently and at length against the proposition. He said if he understood the measure, it was one of expediency, but they did not assemble to legislate for expediency. He called on the friends of the measure to assign any reason for the introduction of this anti-Republican doctrine in the Constitution other than expediency, which was no more than the despotism of the many over the few. One of the main principles for which they had assembled—as the law investing them with the power to meet showed—was to extend the suffrage . . . and this section ran directly counter to that mandate, for instead of franchising it would disfranchise an entire class of citizens."[89]

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[82] *Daily Delta*, Oct. 12, 1851.
[83] *Proceedings and Debates*, 127.
[84] Overdyke, *op cit.*, 8.
[85] *Daily Picayune*, Feb. 7, 1845.
[86] *Ibid.*
[87] *Proceedings and Debates*, 170-171.
[88] New Orleans *Daily True Delta*, May 20, 1852. His championship of the cause of the foreigner is mentioned in a biography of him published in 1852 in the interest of his candidacy for the Vice-Presidency.—*Ibid.*
[89] *Daily Picayune*, Feb. 7, 1845.

The Convention, he continued, was to mirror the will of the people, but this resolution was most undemocratic. Our government is too aristocratic as it is. Such a law would be contrary to the Federal Constitution. "There is no justice where there is not equality."[90] There were no such distinctions in 1812. The people would not brook such an intolerable law. He closed with a defense of immigrants in general and a political jibe. They were generally not less intelligent than native-born citizens. For that matter, only a few anyway really understood the workings of government. Election frauds have been committed, but foreigners were not the worst offenders.[91] He defied his antagonists to point out an instance during the last thirty-two years in which a naturalized citizen abused the election franchise.[92] No such resolution would have been suggested, as a matter of fact, if the presidential election had terminatated differently. The outcry against the foreigners he attributed to the defeat of the Whigs.[93] The resolution, however, carried 42 to 32.[94] Two of the three naturalized citizens in the Convention—Roselius and Benjamin—voted for it and one—Soulé—against.[95]

A number of other matters were settled before there came another battle over the rights to be granted to the foreign-born—this time over qualifications for Governor. A registry law was voted down 44 to 21; Soulé voted with the majority,[96] though most of the New Orleans delegates favored the provision.[97] The next day (February 7) it was decided that "in all elections voters should only vote in the parish of which they were residents; or, if the parish should be subdivided into election districts, only in that precinct where they resided."[98] Three days later, the pay of members of the Legislature was fixed at four dollars *per diem*[99] and the length of the session at sixty days.[100] The section concerning the executive was next considered. The provision for a four-year term for the governor and the lieutenant-governor was carried without much discussion. There

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[90] *Proceedings and Debates*, 175.
[91] *Ibid.*
[92] *Daily Picayune*, Feb. 7, 1845.
[93] *Proceedings and Debates*, 175.
[94] *Ibid.*, 176.
[95] *Daily Delta*, May 28, 1852.
[96] *Proceedings and Debates*, 189.
[97] Overdyke, *op. cit.*, 8.
[98] *Daily Picayune*, Feb. 9, 1845.
[99] The members of the New Jersey legislature received one dollar per day (*Daily Delta*, March 28, 1846); those of the New York legislature three dollars (*Ibid.*, Aug. 8, 1846.)
[100] "The session [of the New York legislature] was limited by law to one hundred days, and that period was insufficient for the business to be transacted."—*National Intelligencer*, April 16, 1850.

was, however, a sharp division over the next article which provided that in case no candidate for governor received a majority, the election should go to the Legislature. Roman, Conrad, and Claiborne spoke in behalf of it; and Soulé, Kenner, Marigny, and Lewis against.[101] "The advocates of the principle of the majority report contend that it is the more democraitc doctrine; they say that in the absence of a candidate having an absolute majority of the people's vote directly, the next best mode of obtaining the will of the people would be through their representatives . . . and though they were to elect the man not having the highest vote, still, technically, they would speak the voice of the majority. Those who oppose the principle [standing, instead for a simple plurality for election] agree that if the General Assembly are under any circumstances—except in case of a tie between two or more candidates—to have the control over the election of Governor or Lieutenant-Governor, it will open the door for corruption and intrigue; and that as in the election of John Quincy Adams over General Jackson, as was instanced by Mr. Soulé the man having the less popular vote might be foisted as Governor on the people."[102] One argument given was that the plurality clause would rekindle the dormant animosity of Creole and American;[103] a motion to strike out this section carried by 48 to 14, Soulé voting "yes".[104] As in 1812, the Governor was declared ineligible to succeed himself in office.[105]

"On the article defining the qualifications for Governor being taken up, it was moved by Mr. Dunn, that so much be stricken out of it, as says no person shall be eligible for the office of Governor or Lieutenant-Governor, except a native citizen of the United States, or an inhabitant of the state at the time of its cession."[106] It would be morally wrong, he contended, to exclude these foreigners, many of whom had rendered yeoman service to their adopted state. He realized and deplored the prejudice against the alien born.[107] The arguments that followed were similar to those advanced before on the "foreign peril"; proponents spoke of the dangers and catastrophes that might occur if an alien-born citizen was Governor, and opponents

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[101] *Proceedings and Debates*, 200.
[102] *Daily Picayune*, Feb. 13, 1845.
[103] *Proceedings and Debates*, 202.
[104] *Ibid.*
[105] *Ibid.*, 204.
[106] *Daily Picayune*, Feb. 14, 1845.
[107] *Proceedings and Debates*, 206.

scouted the idea.[108] Beatty and Brent held that such a provision, since it would deprive citizens of another State from holding office in this one, violated the Constitution of the United States. Conrad, on the other hand, cited Maine as an example of a state that demanded its governor be a native American.[109] The assertion that "no man can be expected to act with the same energy and fidelity against his native land as his duty would require of him"[110] was vigorously denied by Preston who declared that a governor would represent first of all the interests of his state.[111]

Grymes made an eloquent speech in favor of the restriction. A foreigner, he thundered, could never forget the land of his birth. What a predicament a governor would be in if he should have to lead an army against his own countrymen! In such a situation he would be almost irresistibly tempted to betray his country. Nature is stronger than Honor (Preston's statement to the contrary was false). He might hesitate—and thus be lost. A native-born leader would march his forces fearlessly against any enemy. Again, a naturalized citizen, as governor, would distribute patronage to his own countrymen, thus stirring up resentment. That, of course, might also hold true for an American-born executive; but, all things being equal, "our native citizens are invested with a natural right to stand in the foremost ranks, and to be the recipients of the first favors."[112]

On the 14th Soulé replied. He commenced with the assertion that the same spirit of jealousy that had prompted the plan to restrict suffrage underlay this attempt. "Without equality, there can be no justice."[113] Though realizing his delicate position as one of those to be proscribed, he considered it only fair to demand, "Does the right exist to make a distinction between citizens of the same country?"[114] The framers of the national Constitution had made all citizens equal; and, while for the sake of expediency they had forbidden a foreigner to become president, they had refused to grant to the states a similar power of restriction. Therefore, such a provision is unconstitutional; it is "abhorrent to the first principles of republican gov-

[108] *Daily Picayune*, Feb. 14, 1845.
[109] *Proceedings and Debates*, 207-208.
[110] *Ibid.*, 208.
[111] *Ibid.*, 209.
[112] Thomas M'Caleb, ed., *The Louisiana Book: Selections from the Literature of the State* (New Orleans, 1894), 117.
[113] *Proceedings and Debates*, 212.
[114] *Ibid.*

ernment."[115] It was true that six states—Arkansas, Missouri, Alabama, Virginia, New York, and Maine—had this restriction; but the remaining twenty did not. To him it was "the wisdom of twenty states and the intemperance of six."[116] He then referred to the *Federalist* to prove that naturalization was a matter for the central government alone. "The power must necessarily be exclusive because if each state had power to prescribe a distinct rule there could be no uniform rule."[117]

To prove further his point, he quoted from the writings of Judge Story. "A federal law was necessary, else a single state, allowing aliens to become citizens in six months after entering, could force every other state to recognize them as citizens in their states. Such a right was exclusive to Congress."[118] Grymes' plea of expediency was but an acknowledgment of the lack of argument for his position. "We are here for the purpose of raising a political foundation that shall ensure the political rights, the happiness and liberty of generations to come. We cannot, therefore, be too careful in yielding to our feelings on the grounds of expediency."[119] "Party spirit must be forgotten. Unfortunately a spirit of persecution is abroad." At this point Claiborne called him to order for impugning the motives of members of the Convention. Soulé and Garcia indignantly repudiated the accusation and the former continued. Such a spirit of intolerance would daily grow worse. In such an atmosphere, how can the right of suffrage be extended? Referring to the possible conflict of duty and love of one's native land, he inquired who were the traitors in the American Revolution. A governor would be forced by his people to lead them or else resign in disgrace. Men coming from a land of oppression to one of freedom would most certainly defend the latter. As to office-holding, if the naturalized citizen has more ability than a native, he should hold the position; otherwise, the American-born. If the Convention passed this measure, it would be disobeying the mandate of the people. Besides, it was unjust to differentiate between foreigners living here in 1803 and those coming later. Would this not be an *ex post facto* law? No state can impair an existing contract, as shown by the Dartmouth College Case—here he was forced to stop because of illness.[120]

[115] *Ibid.*, 213.
[116] *Ibid.*, 214.
[117] *Ibid.*, 215.
[118] *Ibid.*, 216.
[119] *Ibid.*, 217.
[120] *Ibid.*, 211-220.

Benjamin, in his reply, first stated that the "native" clause, his own idea, was prompted, not by a hatred of foreigners, but only by a desire to keep American government in American hands. All men, he continued, are not entitled to equal rights. Restrictions are often necessary. That the proposal was unconstitutional was ridiculous. Did not Congress, by sanctioning the Constitutions of Arkansas, Missouri, and Alabama, infer its validity? A person would not fight against his native land.[121] His biographer thus comments on this speech: "He . . . utterly demolished the constitutional arguments offered by Soulé . . . . The closing part of his speech [however] is not judicious; the arguments adduced could not carry conviction; they might and did give offence to the hypersensitive Creoles."[122] Marigny, in a speech characterized as "the death knell of American exclusiveness in Louisiana",[123] addressed the Convention next day. After reviewing arguments of his opponents and Soulé's speech, he spoke of the struggle of the Creoles to get Louisiana admitted into the Union, of the successful effort of a naturalized citizen (Judge Hall) to reconcile Jackson and the Barataria pirates, and of the many philanthropies of European-born citizens. The Native Americans he accused of wanting the "loaves and fishes exclusively." He resented deeply Benjamin's query of Soulé if he would lead an army aganist France, especially as it was made when Soulé was ill. "I tell you, Sir, that you have inflicted upon him an unjust provocation. . . . I give you distinctly to understand that I take up the glove in his behalf."[124] For that matter, there was no danger of war with France. That honor means more than country was illustrated when a naturalized Frenchman, Sangers, commanded the Russian troops in their entry into Paris in 1814. He concluded with a warning to the members that they must never forget that the Convention was simply the servant of the people.[125] The power and conclusiveness of this address are admitted by Benjamin's biographer. "His [Marigny's] reply, though less polished than Benjamin's speech, and marred by outbursts of somewhat incoherent passion, is really sufficient to demolish Benjamin's main point, viz., that a man would not lead an army against his countrymen."[126] This

[121] *Ibid.*, 220-224.
[122] Butler, *Judah P. Benjamin*, 98.
[123] Cruzat, *loc. cit.*, V, 46.
[124] *Proceedings and Debates*, 229.
[125] *Ibid.*, 230. This marked Marigny's last public service.—King, *op. cit.*, 4.
[126] Butler, *Judah P. Benjamin*, 98.

defense by Soulé[127] and Marigny of immigrants led De Bow to write of them: "These gentlemen might have been considered the advocates of the French interests of Louisiana, and standing as it were, intermediate between the order of things which belonged to the State in early days, and the new one which has been coming upon her. We can appreciate the delicacy of their position in the Convention during such a discussion as this, and admire the skill, ability, and patriotism with which they conducted themselves. . . . The native American exclusiveness was thrown out of the Convention, and we consider it dead in Louisiana."[128]

Another naturalized citizen, Roselius, asserted, as Soulé had done, that the first duty of the Convention was to destroy political distinctions among citizens of the state. He claimed too, that there would be little danger if an immigrant did become governor, as that official did not have a great deal to do.[129] Lewis spoke in opposition to these arguments on February 17. The question put to Soulé by Benjamin was perfectly in order. Foreigners, he went on, have no right to ask for more than protection of life and property. "The United States is the patrimony of native Americans."[130] The federal government did not form the states, as Soulé had said, but rather contrariwise. The suffrage in a state is controlled by that state alone. He reminded Marigny that France had refused to pay an indemnity owed to us until Jackson threatened war. Washington said that the services of foreigners (except Lafayette) were mercenary and untrustworthy.[131]

Brent reminded the members that if the object of the Convention had been to restrict suffrage (as was now being attempted), it would never have met. If a French army invaded New Orleans, its French inhabitants would be the first to resist.[132] If this resolution passed, another asserted, the immigrant could not be sure of any privileges.[133] Still another decried the possibility of there being many alien-born governors, as but one naturalized citizen had held that office in the past thirty years.[134]

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[127] "The man who for ten years has done more for the glory of the French name in America and who himself is the most magnificent illustration of it."—Gaillardet, *op cit.*, 9.
[128] Fortier, *History of Louisiana*, III, 236.
[129] *Proceedings and Debates*, 232-239.
[130] *Ibid.*, 240.
[131] *Ibid.*, 239-243.
[132] *Ibid.*, 243-249.
[133] *Ibid.*, 249-251.
[134] *Ibid.*, 251-252.

Grymes held that declaration of the constitutional doubts by Soulé only meant to him that they really did not exist. Soulé's allegation of American dislike of foreigners meant that that feeling was expressed either by the Convention or people generally. In either case, how have he and Roselius attained such prominent positions? The traditions of America must be preserved. Foreigners have no inalienable rights. If we cannot decide qualifications for political officials without exciting the sensibilities of the foreign-born, our liberties are in danger, and a not far distant day will see the destruction of the United States. He concluded by affirming that he was not a member of the American party.[135] The vote was taken the next day (February 19). The restriction was defeated 41 to 27.[136]

The qualifications for the executive were then determined—he must be thirty-five years of age and have been a resident and citizen of the United States for fifteen years preceding his election.[137] Soulé voted against a proposal[138] that the governor possess property worth five thousand dollars. The governor's powers were next considered. "From the section which says, 'He shall nominate and appoint, with the advice and consent of the Senate, judges, sheriffs, and all other officers, etc.', the word 'judges' was, on motion, struck out—ayes 30, nays 28—the explanation being given by several members that by their vote it was not to be inferred that they were in favor of an elective judiciary as a general principle. The word 'sheriff' was, on motion, also struck out—ayes 43, nays 14—from which motion it would appear to be the design of the Convention to make the office elective."[139] Soulé was not present, having been excused because of sickness.[140]

The Convention soon found itself in another long and heated debate, this time over the question of apportionment. On January 31, the report apportioning representation according to the federal basis (with no parish to have more than one-fifth the entire number of representatives) had first been introduced.[141] Roselius opposed it since it would allot to the western districts, even without the formation of any new parishes, nearly

[135] *Ibid.*, 253-256.
[136] *Ibid.*, 263.
[137] *Daily Picayune*, Aug. 20, 1844.
[138] *Proceedings and Debates*, 264.
[139] *Daily Picayune*, Feb. 26, 1845. Marigny and Roselius favored appointive judges and sheriffs.—*Proceedings and Debates*, 300.
[140] *Proceedings and Debates*, 286.
[141] *Daily Picayune*, Feb. 1, 1845.

one-half of the representatives of the entire state and to New Orleans, who paid one-third of the taxes and contained one-third of the population of the state, but twelve Representatives and four Senators; Marigny, because it would give a preponderance to the Fourth District, with its subdivisions for several more parishes. He, in fact, would refuse to sign such a bill.[142]

Mayo asserted that the reason for the impatience of some of the members to meet in New Orleans was now quite apparent —pressure could be more easily brought to bear to kill any proposal (such as this one) unfavorable to the city.[143] Downs defended the federal ratio, saying that otherwise New Orleans would control the state.[144] One member wanted "to place the country beyond the corroding influence of the city."[145] Considering slaves as property alone, Preston opposed the federal basis.[146] The report was referred to a committee by a close vote (38-34) on February 5.[147] The subject did not come up for consideration again until the 26th when the New Orleans delegates, Marigny, Conrad, Roselius,[148] Eustis,[149] and Benjamin[150] denounced the national system of apportionment. The latter, a member of the Representation Committee,[151] feared it because it would give political identity to the slaves, just the "thunder" the Abolitionists wanted.[152] The motion to strike out the words "federal representation" carried 28 to 22, Soulé voting yes.[153] He voted against the amendment to make representation dependent upon property and population (which lost 41-15), but for the one to make it dependent on voters (which carried 38-18).[154] Benjamin offered a one-fifth compromise.[155] Dropped for the time being, it was considered again on March 13.[156] Soulé voted to table Downs' motion to cut down the representation of New Orleans by one-fifth (the tabling motion carried 35 to 32).[157] The ratio of representation was determined

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[142] *Proceedings and Debates*, 130.
[143] *Ibid.*, 137. A motion was made to adjourn to Jackson, since Convention delegates would not attend meetings.—*Daily Picayune*, Feb. 20, 1845.
[144] *Proceedings and Debates*, 142-143.
[145] *Ibid.*, 145.
[146] *Ibid.*, 158.
[147] *Ibid.*, 163.
[148] *Daily Picayune*, Feb. 28, 1845.
[149] *Proceedings and Debates*, 346.
[150] *Ibid.*, 360. In 1852 he favored the total population basis, as the preponderance of slaves in parishes like Concordia and Tensas gave the slaveholders the advantage and erected virtually a slave oligarchy.—Hunt, "Address", *loc. cit.*, 40.
[151] Butler, *Judah P. Benjamin*, 79.
[152] *Ibid.*, 92-93.
[153] *Proceedings and Debates*, 361.
[154] *Ibid.*, 364.
[155] *Ibid.*, 369.
[156] *Ibid.*, 420.
[157] *Ibid.*, 426.

at one for 276 voters. On that basis New Orleans would receive twenty members—nineteen for the city proper and one for the right bank of the Mississippi River.[158] The question of distributing the New Orleans representation was left to the city delegation.[159] The Convention finally decided upon the total population basis on April 2. The *Picayune* accompanied this news by the comment, "This is all they did decide and how long they may stick to this opinion is mighty uncertain";[160] and the next day its pages carried an editorial condemning the vacillating course of the Convention and speaking of the general dissatisfaction such a procedure was arousing.[161]

On March 4, a closely associated subject, the organization of the state into senatorial districts, was brought up. "The majority report divides the state into eight Senatorial districts, giving to each a representation of four State Senators. . . . The minority report makes the aggregate number the same, but recommends the apportionment of the state into thirty districts, each retaining a Senator, except New Orleans, to which it recommends a representation of three or four Senators."[162] Neither report carried.[163] Settlement of the number (thirty-two) of Senators was easy, but not the method of apportionment.[164] A fierce struggle in which Soulé took an active role, ensued over the representation of New Orleans. He sustained Culbertson's motion to allow the city five Senators (First Municipality, two; Second, two; and Third, one).[165] To Eustis, such a division was unwise. If there must be a separation, it should be, he thought, between the French and English quarters, with St. Louis Street as the dividing line.

Soulé, however, reiterated his position. Though originally opposed to the division of the city, now since it had been accomplished, he thought that each of the three, differing as they did from one another, should be represented. Otherwise fraud would be greatly practiced; the interests of the Second Municipality, too, would be in absolute control. As a matter of fact, there should be no racial divisions at all, but a single community of

[158] *Daily Picayune*, March 18, 1845.
[159] *Proceedings and Debates*, 478.
[160] *Daily Picayune*, April 3, 1845.
[161] *Ibid.*, April 4, 1845.
[162] *Ibid.*, March 5, 1845.
[163] *Ibid.*
[164] *Ibid.*, March 25, 1845.
[165] *Proceedings and Debates*, 545.

American citizens which, though differing in some points, would be united in the defense of their common institutions. "I will never sustain any measure calculated to divide populations of different origins."[166] Culbertson's amendment passed 37 to 10.[167] On reconsideration of the entire subject, the Convention once again fixed (April 4) the number of Senators at thirty-two (until 1855)[168] by a vote of 46 to 22, Soulé voting yes.[169] Roselius deplored the threefold division of the city. He believed that, in order to give the upper house of the Legislature a broader vision, its members, unlike Representatives, should be chosen from a general ticket; though, to obviate all possible objection, he moved that one Senator be taken from each Municipality (the three still to be elected at large). There was no reason for Soulé's fear of the absolute dominion of the Second Municipality.[170]

Soulé spoke again, elaborating his position. He commenced by disclaiming any political motive behind the stand he was taking. The old Faubourg had at first shared with the new with the result that it was reduced almost to a nonentity. A division, was, therefore, necessary, but that separation in itself showed an irreconcilable diversity of interests. Election of Senators on a general ticket would never restore the lost unity. Since there is such a tremendous difference between these municipalities, each should be separately represented. Otherwise, within two years, the Second Municipality would elect all the city's Senators. The present ratio of representation is manifestly unjust; the First Municipality with a population of 43,546, has eight Representatives; the Second, with 19,235, has seven, and the Third, with 26,843, has four. The Second is grossly overrepresented and the Third under. Simply because the First and the Third are peopled by remnants of a once all-powerful population, is that any reason they should be swamped by the Second?[171] Claiborne reminded him that the Third Municipality contained a great number of free negroes and aliens. New Orleans, Conrad next remarked, was not three cities, as Soulé would believe, but one. Though deserving ten Senators, she had been forced to accept four. To have these four elected by municipalities

[166] *Ibid.*, 547.
[167] *Ibid.*
[168] *Daily Picayune*, April 4, 1845.
[169] *Proceedings and Debates*, 583.
[170] *Ibid.*, 600-602.
[171] *Ibid.*, 602-605.

would cripple her power and influence to a still greater degree. The municipalities themselves would benefit more if its Senators came from the city as a whole. Even with the division into three sections, is not the Second Municipality by far the most powerful?[172] The city's resentment of the constantly attempted restrictions of its growing power by the country delegates was voiced by Marigny.[173]

Soulé contended that Roselius' amendment (especially as the latter had admitted the heterogeneous character of the urban population) that Senators be chosen from each municipality was incongruous with the main proposal providing for election at large, which he opposed. The amendment lost by one vote (31-30).[174] Thereupon a compromise was suggested by Preston: three Senators to be elected from the three municipalities and one Senator from the city as a whole. Benjamin asserted that, if such a provision (giving but one Senator to the city of New Orleans) passed, he would never sign the constitution.[175] Grymes, however, supported it.[176] That motion was defeated 38 to 28, Soulé voting in the affirmative. After Roselius had defended (April 8) the general ticket provision on the premise that New Orleans was essentally a single city,[177] Soulé introduced an amendment abolishing the division into municipalities.[178]

Marigny challenged Roselius and his co-workers to manifest their good faith. Let it be seen whether they really desire union, as they claim (the French frankly do not); or whether they advocate a city-wide ticket simply because it would give supremacy to the Second Municipality.[179] The amendment was tabled by a vote of 35 to 25.[180] Lewis, in answer to Marigny's assertion that he (Lewis) and Conrad had a great deal to do with the division of the city in 1837, argued that such a course had been rendered inevitable by the unfair treatment accorded the Americans.[181] Soulé pleaded his willingness to cooperate in a spirit of fair play which had been proved by his amendment; but it had been shelved because his opponents said one thing

[172] *Ibid.*, 605-608.
[173] *Ibid.*, 610-611.
[174] *Ibid.*, 616.
[175] *Ibid.*, 618.
[176] *Ibid.*, 621-623.
[177] *Ibid.*, 625-627.
[178] *Ibid.*, 627-628.
[179] *Ibid.*, 628-631.
[180] *Ibid.*, 632.
[181] *Ibid.*, 633-634.

and did another. He had opposed the total population basis; but, as it had passed, he was now determined that equal numbers should have equal representation (the second Municipality to have two Senators and each of the others one). He denied Grymes' statement that no improvements had been made in the American quarter before the division in 1837. "My political life is at an end," he said at this point in his address.[182] "If there is perfect unanimity," he continued, "among the inhabitants of New Orleans, wherein would lie the danger of separate elections? If there is not (which is true) they are imperative. Is not this division apparent by the fact that a law is valid only in the Municipality in which it is made? The chief conflicts between the various city governments are over financial questions." Another statement he made is of interest: "A law is nothing but a translation of the feelings, prejudices, and passions of those who called it into existence."[183] In the name of the eighteen (out of seventy-seven) representatives of the vanished power of the Creole, he demanded justice.[184] Roselius denied any narrow championship of strictly American interests; he, instead, represented the entire city. The resolution for the grouping of the three municipalities into one senatorial district carried 33 to 30. Soulé gave notice he would call later for a reconsideration.[185]

After a one-day adjournment in respect for the death of a delegate,[186] the debate was continued (April 11), with various ones charged with the authorship of the plan to divide the city. Benjamin asserted it was Brent or Downs; Brent, that it was Soulé.[187] This constant wrangling brought newspaper protests. The Convention "has been in session over four months, at an expense of at least $500 a day, and has not performed one-eighth part of the work before it. The question then is, when will it adjourn, how long will it take it to complete the work delegated to it? . . . The Convention is what is was predicted to be—a political arena, from which the spirit of concession is banished and where the country and city interests are pronounced separate and sustained respectively as such. If such things continue, after the constitution is finished, it will be so contrary to the objects

[182] *Ibid.*, 638.
[183] *Ibid.*
[184] *Ibid.*, 634-639.
[185] *Ibid.*, 641.
[186] *Ibid.*, 642.
[187] *Ibid.*, 652.

for which it was called, that it will never receive the sanction of the people. The sickly season will soon come on, and we do not see how the work can be finished before the country members will find city life too hot for them."[188] On April 12, Soulé introduced an amendment providing that in case a senatorial district possessed a population over the number which entitled them to a Senator, another district should be formed. Unable to get a vote as many members, wishing to adjourn, had left in order that there might be no quorum, he himself moved an adjournment.[189] Several days later (April 18) Soulé, in attempting to bring up his motion reconsidering the vote on making New Orleans one district, clashed with Benjamin who argued that as a rule had been passed prior to Soulé making his proposal (but not before he had given notice of introducing it) require more votes for reconsideration than were required for the original vote, the motion was out of order. It was defeated 34 to 32.[190] Another attempt at reconsideration (May 7) failed 37 to 26.[191]

One of Soulé's views was embodied in the motion providing for the amending of the Constitution now being formed. Claiborne (March 11) had proposed that no amendment be valid unless it be passed by a two-thirds vote of two successive Legislatures and ratified by the majority of the people.[192] Soulé, because he did not desire an amendment to be passed by one vote and on the other hand because too high a restriction might have a deadening influence on the entire process of amendment, proposed a three-fifths vote of the Legislature. In defending his position, he had this to say of the theory of constitution making, "The making of a Constitution is mainly for the purpose of protecting the minority, and to restrain the majority from the abuse of power, which they would otherwise have the right of exercising, without such a check as can be provided in a Constitution."[193] Preston opposed it as paving the way for abuses and for a minority rule.[194] Defeated 30 to 29 by the deciding vote of the President,[195] it was reconsidered the next day. Benjamin

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[188] *Baton Rouge Gazette*, April 12, 1845. (The Democratic papers, however, supported the Convention.)

[189] *Proceedings and Debates*, 652-653.

[190] *Ibid.*, 713.

[191] *Ibid.*, 899.

[192] *Ibid.*, 405.

[193] *Ibid.*, 413.

[194] *Ibid.*, 413-415.

[195] *Ibid.*, 415-416.

commended the three-fifths clause as just and proper.[196] It was carried this time 32 to 30. The Convention then passed the entire section.[197]

There yet remained the problem of judiciary reform. The reports of the Judiciary Committee, which it will be remembered had been read during the early days of the Convention,[198] were presented for consideration on April 15. Section I of the majority report declared: "The Judicial power shall be vested in a supreme court, in district courts to be established throughout the State, in the justices of the peace and such other courts in the city of New Orleans as the legislature may from time to time direct";[199] the minority report: "supreme court, in district courts, and in such inferior courts as may be established by law."[200] Ratcliff defended the latter report as enabling the courts to keep abreast of the times; Roselius opposed it as abolishing the independence of the judges. To avoid dragging in the eternal city versus country issue, Eustis pointed out that this report had been made by a "country" delegate. Discussion that day was ended by the passage of Soulé's motion to table the reports (made so he might call for a reconsideration of the vote making New Orleans one senatorial district).[201]

Soulé differed from the majority of the Judiciary Committee in his arguing that the Supreme Court should have the right to issue writs of *habeas corpus* in criminal cases; also that the parish court system should not be abolished.[202] The latter question brought a sharp controversy. The majority report would do away with the parish court system because "the multiplicity of functions, the money patronages of the judges, and the conflict of jurisdiction caused by the existence of such courts were almost universally condemned."[203] For instance, Brent dubbed the judges "perfect factotums";[204] Benjamin deplored the conflicts in jurisdiction arising under such a system;[205] Grymes and Conrad,

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[196] *Ibid.*, 419.
[197] *Ibid.*, 420.
[198] *Daily Picayune*, Aug. 20, 1844.
[199] *Proceedings and Debates*, 666.
[200] *Ibid.* Defeated in this Convention, it was inserted in the Constitution of 1852. Ben Robertson Miller, "The Louisiana Judicial Structure" (Master's Thesis, in Louisiana State University Library, Baton Rouge, 1932), 31.
[201] *Proceedings and Debates*, 666-670.
[202] *Ibid.*, 672.
[203] Miller, *op. cit.*, 21.
[204] *Ibid.*, 22.
[205] *Proceedings and Debates*, 678.

too, violently attacked the system.[206] "The proponents say [April 12] that the new system will save the people $80,000 a year and be more efficient; while the opponents [Beatty, Ratcliff, Marigny][207] say it is only the old system under a new name and there is nothing to replace it."[208]

Soulé expressed his belief that for the sake of simplicity and uniformity, there should be but two courts—the Supreme Court and an inferior one (parish); and that a parish court is more efficient than a district and should be retained as more in consonance with the habits of the people. The present parish judges have had unlimited power in succession cases, but in ordinary cases only a jurisdiction in those involving less than five hundred dollars. That limit he advocated raising. The destruction of the present system would cause great inconvenience.[209] Benjamin attacked the present system as involving too great difficulties. The question of salaries, for example, would be extremely irritating. If the judges (forty-eight in number, rather than the eighteen proposed by the majority report) were paid identical amounts, the cost would be oppressive; if they were not, naturally jealousy would be aroused. Judges must be well paid.[210] Preston, however, supported Soulé. He argued that the Legislature should control the Judiciary and that too many of our laws were based on the parish court system for it to be replaced.[211] Downs emphasized, on the other hand, the unpopularity of parish courts and Eustis the better working of district courts.

During the course of a debate on the qualifications for Supreme Court judges (their number being fixed at four) it was asserted that a man of Soulé's temperament was unfitted to sit on the bench. Preston thus referred to Soulé: "The sonorous voice, the eloquent gesticulations, the intense passions, the nervous system of the orator bear down in his course the feeble barriers of law and evidence, and he reaps for himself and his clients the richest harvests. Such an advocate I see before me, at the very head here, and rivaling the most brilliant advocate of any other country. But such an advocate is entirely unsuited to be a judge. . . . May we ever be delivered from the eloquent judge,

[206] *Ibid.*, 682.
[207] *Ibid.*, 690.
[208] *Daily Picayune*, April 17, 1845.
[209] *Proceedings and Debates*, 695-696.
[210] *Ibid.*, 697.
[211] *Ibid.*, 700-701.

or the storm of passion or impatience on the bench."[212] Roselius resented that statement.[213] Tenure and salaries for these judges were next discussed. The former was determined to be eight years.[214] Soulé, who consistently opposed a life tenure, voted for that length of term. The salaries were fixed at six thousand dollars for the Chief Justice and fifty-five hundred for the Associate Judges. Both of these amounts Soulé advocated. It cost at least four thousand dollars annually, he said, to live decently in New Orleans, six thousand dollars would not, therefore, be a temptation. It was true that Judge Martin at his death possessed half a million dollars, but he did not obtain it from the exercise of his official duties (his entire salary for the thirty-year period of his judgeship would not be over a hundred and sixty thousand dollars). [215] He was supported by Marigny who claimed that five thousand dollars granted under the Constitution of 1812 was equivalent to ten thousand now, and by Roselius who quoted McDonogh, who paid ten thousand dollars in taxes, as favoring seven thousand dollar salaries for judges.[216] The judges were to be appointed by the Governor, a motion to elect them being tabled 31 to 20.[217]

As regards powers to be granted to them, Soulé, though not especially favoring the motion to forbid judges exercising other than judicial powers, voted for it.[218] An attempt being made to prohibit them from fixing costs in succession suits when one of the litigants was absent, Soulé contended that the judges were not responsible for such abuses as existed, since the costs were simply argued before them, not arbitrarily settled. This was a problem for the Legislature alone. Benjamin retorted that the entire system should be changed. When a person was absent, the court had no right to assess any costs.[219] The motion failed 50 to 7.[220].

A determined, but futile, effort was made to write into the Constitution a clause providing for an elective judiciary. We have seen that a motion to elect Supreme Court judges had

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[212] *Ibid.*, 719. Apropos of this is Soulé's imprisonment for contempt of court.—*Daily Picayune*, July 10, 13, 1844.
[213] *Proceedings and Debates*, 734.
[214] The Constitution of 1852 lengthened the term to "good behavior."—Miller, *op. cit.*, 26.
[215] *Proceedings and Debates*, 729-730.
[216] *Ibid.*, 733-734.
[217] *Ibid.*, 735.
[218] *Ibid.*, 762.
[219] *Ibid.*, 766-767.
[220] *Ibid.*, 768.

been made, but tabled.[221] Denouncing the present courts "as one of the most corrupt and irresponsible bodies of civil organization,"[222] Reed reopened on April 22 the campaign to elect the judges of the various courts. Jefferson, he said, favored such a plan; Mississippi had actually put it into practice. Brent supported him, affirming that by electing judges, the courts would be strengthened, there would be no opportunity for corruption, the three departments of government would be kept separate, and the people (as should be the case in a democracy) would have more influence in the government.[223] The motion failed 40 to 20. [224] Two further attempts were defeated; one, by a vote of 30 to 23;[225] and the other, 32 to 27,[226] Soulé voting for both. Thereupon Soulé offered a compromise. "Recognizing the strong possibility of executive usurpation and the advantages which would result from the continued tenure of good judges . . . [he] proposed that the Governor be compelled to submit three names to the Senate, including the encumbent, and that from these three the district judges would be selected."[227] He defended the proposal as a measure halfway between election and appointment, as the Senate would appoint the nominee most acceptable to the people. If that body should refuse to make a choice, other names could be submitted to it. To Ratcliff, such a plan was impracticable.[228]

Roselius, too, condemned it because three competent men could not always be found for such positions, because it transferred the appointive power from the executive to the Legislature and because it would be embarrassing for the two who would necessarily be rejected. Conrad, while sustaining Roselius' first argument, commended the amendment in as far as it placed "the judges beyond the whim of the executive."[229] Stressing this as the most important, Claiborne moved that the governor be required to submit the name of the incumbent. Soulé opposed the proposal as creating a life tenure. Since the judges could not be under executive domination, the people, he thought, would prefer his idea to Claiborne's. There would be no dearth of

[221] *Ibid.*, 735.
[222] *Ibid.*, 741.
[223] *Ibid.*, 741-745.
[224] *Ibid.*, 758.
[225] *Ibid.*, 772.
[226] *Ibid.*, 784.
[227] Miller, *op. cit.*, 24.
[228] *Proceedings and Debates*, 762.
[229] *Ibid.*, 766.

capable candidates. A choice would be given to the Senate; and at the same time a man would not be forced out for purely petty reasons.[230] Claiborne's motion was laid on the table;[231] and, though promptly reintroduced, defeated as was Eustis',[232] that the Senate reappoint the incumbent regardless of the governor's attitude.[233] The proponents of an elective judiciary did succeed in making the office of Justice of the Peace elective,[234] the incumbent to serve two years, with a jurisdiction over cases involving less than a hundred dollars, also clerk of court (the vote being 24 to 22),[235] and "sheriffs and other political offices not otherwise provided for by this Constitution."[236] (Conrad claimed sheriffs would simply be politicians.) "This inroad [of advocates of an elective judiciary] was later to prove a mighty wedge for them,"[237] for the Constitution of 1852 provided for an election of all judges. The two most noteworthy characteristics of all these judicial provisions, the beginnings of an elective judiciary and fixed terms for judges, [238] Soulé thus supported.

Soulé, who had voted in March against the motion "commissioning the first legislature which should meet under the new Constitution to fix the capital of the state at a point not less than sixty miles from New Orleans",[239] (it passed 39 to 28) now supported a bill to allow the Legislature to settle the question with no restrictions attached (which was defeated by one vote).[240] A similar proposal made on almost the last day of the Convention failed.[241]

He interested himself, also, in the financial provisions of the Constitution. On April 30, he proposed that the state should not raise funds except for paying its debts, defraying current expenses, and helping education. In reply to criticisms of Roselius and Guion, he reiterated his declaration that the state had no right to raise money, except to pay its just debts, and said

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[230] *Ibid.*, 768.
[231] *Ibid.*, 787.
[232] *Ibid.*, 796.
[233] Miller, *op. cit.*, 24. Incidentally, they were to serve two years and their jurisdiction extended over cases involving not more than one hundred dollars, with those over twenty-five dollars appealable to the District Court.—*Daily Picayune*, April 26, 1845.
[234] *Daily Picayune*, April 26, 1845.
[235] *Ibid.*, April 28, 1845.
[236] *Ibid.*, April 30, 1845. Maryland, in 1851, made these same offices elective.—*Ibid.* May 29, 1851.
[237] Miller, *op. cit.*, 25.
[238] *Ibid.*
[239] *Proceedings and Debates*, 402.
[240] *Ibid.*, 836.
[241] *Ibid.*, 935-936.

further that there must be limitations on appropriations as otherwise expenses would far exceed revenues. "The design I have is this, to put it beyond the power of the legislature to impose upon the industry of its people onerous and heavy burdens, the result of extravagent appropriations, and an improper use of the public credit."[242] Roselius insisted that such a plan would make it impossible to retire the bonds drawn in favor of property banks; to which Soulé replied that his motion dealt only with the future.[243] Nothing came of the resolution. The effect of the panic of 1837 can be seen in the clauses passed the following day (May 1): "The State shall not become a subscriber to the stock of any corporation or joint stock company . . . and no corporate body shall be hereafter created with banking or discounting privileges",[244] and "no exclusive privilege or monopoly shall be granted by the General Assembly for a term over twenty years."[245] These provisions were considered one of the three important accomplishments of the Convention—the others being forbidding of lotteries and the formation of a public school system.[246] Soulé opposed Conrad's motion that taxation should be equal and uniform as unnecessary, affirming that abuses would exist anyway. The gross inequality of the present system Lewis believed was the chief argument for the support of the motion.[247] It was carried May 7, 40 to 23.[248]

Soulé also showed himself to be in favor of educational progress.[249] The report of the Committee on Education, providing for a State Superintendent of Public Schools to be appointed by the Governor and for general encouragement and support of schools, though presented February 26,[250] was not considered until May 7. At that time, however, Kenner, going beyond the recommendation of the report, moved that a system of free public schools be organized throughout the State. Ben-

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[242] *Ibid.*, 841.

[243] *Ibid.*, 842.

[244] The Constitution of Missouri contained an identical section.—*Daily Delta*, March 13, 1846.

[245] *Daily Picayune*, May 2, 1845.

[246] Martin, *op. cit.*, 445.

[247] *Proceedings and Debates*, 874.

[248] *Ibid.*, 899.

[249] Illiteracy was prevalent in the South then. In North Carolina one out of four could not read, while in Connecticut the ratio was one out of thirty-one.—*Daily Picayune*, Dec. 15, 1845. The United States, however, as a whole ranked much higher than foreign countries in literacy.

United States	.....	1 out of	4	went to school
France	.....	1 out of	20	went to school
Poland	.....	1 out of	78	went to school
Russia	.....	1 out of	376	went to school—*Daily Delta*, Aug. 6, 1846

[250] *Proceedings and Debates*, 319.

jamin supported him, but Roselius cautioned the delegates to remember that heretofore the Legislature had squandered the money appropriated to education.[251] The proposal carried as did Eustis' motion for the establishment of a state university at New Orleans. The latter Soulé vigorously advocated as "essential to present and future generations."[252] Louisiana should have its Harvard or Yale. He did, however, vote against the proposal (which carried) for a State Superintendent.[253]

There are a few minor matters that should be briefly noted. He voted for the section prohibiting a member of the Legislature from holding any other office during his term (it carried 37 to 19).[254] His motion to lay on the table Mayo's proposal that parish officials be not liable to impeachment passed.[255] At another time after Downs, Taylor, and others had spoken of errors made in reporting their speeches and a resolution was introduced to dismiss the offending reporter, Soulé said he, too, had been misrepresented, but felt the reporter did the best he could and should be given another chance (which he was).[256] The dueling prohibition written into the Constititution met with his disapproval.[257]

The Convention was soon to terminate.[258] A committee composed of Soulé, Chinn, Brent, Eustis, and Guion appointed to arrange the details of submitting the Constitution for popular approval,[259] presented two reports: the majority one calling for the ratification election in November to be open to those who could vote under the new Constitution, and the minority (Chinn and Guion) for an election in July with no enlarging of suffrage until after the ratification. (Earlier in the Convention there had been a sharp controversy over whether elections generally should be held in November as hitherto, or in July. No change, however, was made.)[260] The latter was defeated by a one-vote margin (32 to 31.)[261] Downs' motion, not to submit the Constitution to the people at all, made because, he asserted, they did not expect to be allowed to vote on it and because the

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[251] *Ibid.*, 903.
[252] *Ibid.*, 911.
[253] *Ibid.*, 912.
[254] *Ibid.*, 274.
[255] *Ibid.*, 486-487.
[256] *Ibid.*, 598-600.
[257] *Ibid.*, 864.
[258] "We suppose the funds allowed them are pretty near exhausted, and the weather is getting rather too oppressive."—*Baton Rouge Gazette*, May 2, 1845.
[259] *Proceedings and Debates*, 856.
[260] *Ibid.*, 24.
[261] *Ibid.*, 927.

"interests" might defeat it, was overwhelmingly defeated 59 to 3.[262] "Another effort was made [May 14] . . . to restrict the right of voting on the question of adoption . . . to the qualified voters under the existing Constitution, but it proved ineffectual; and shortly after a vote was taken on the final passage of the Constitution as a whole."[263] It was ratified 55 to 15 (seven absent), Soulé voting in the affirmative.[264] A number of delegates then gave their reasons for voting as they did. Benjamin voted against it because his constituents would oppose it, excluding New Orleans as it did;[265] Conrad, because the Convention had exceeded its powers;[266] Claiborne, because the parish court system had been abolished;[267] Preston, because the uncertain tenure of judges made them political dependents;[268] Downs[269] and Kenner,[270] for it because it was an excellent piece of workmanship. A vote of thanks was then extended to the President and Secretary. The following day Soulé's resolution to pay the reporters so that the debates to date could immediately be printed passed.[271] On the 16th, the Constitution was signed by fifty-two members of the Convention, who then adjourned.[272]

There seemed little, if any, doubt of the acceptance of the Constitution by the people. The *Baton Rouge Gazette* agreed with the *Bee* (New Orleans) in stating that "it would be ratified without the shadow of a doubt. The opposition it will encounter will be a mere nothing, compared to the overwhelming enthusiasm with which it will be received in many sections of the state."[273] This prediction was verified by the vote in November, when 12,173 votes were cast for the Constitution and 1,245 aganist.[274] In New Orleans, the First Municipality gave 608 votes for and 232 against; the Second, 817 for and 53 against; and the Third a majority of 135 for.[275] Let us read two editorial comments on the election, the first from a Democratic paper and the second from a Whig: "The light vote can only be accounted for from the fact that our citizens generally were so impressed with the

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[262] *Ibid.*, 930.
[263] *Daily Picayune*, May 15, 1845.
[264] *Proceedings and Debates*, 941.
[265] *Ibid.*, 941-942.
[266] *Ibid.*, 942-943.
[267] *Ibid.*, 944.
[268] *Ibid.*, 946.
[269] *Ibid.*, 944.
[270] *Ibid.*, 946.
[271] *Ibid.*, 948.
[272] *Ibid.*, 949.
[273] *Baton Rouge Gazette*, June 7, 1845.
[274] *Daily Delta*, Nov. 27, 1845.
[275] *Baton Rouge Gazette*, Nov. 7, 1845.

certainty that the Constitution would be accepted, that they thought it useless to attend the polls. . . ."[276] "For weeks, the loco-foco organs here have been drumming up the party to vote for the Constitution, claiming that instrument as a loco-foco measure, and charging the Whigs with opposition to it. The returns show that the Whig strongholds[277] have given it their support, while the loco-foco strongholds have battled against it. In other words the Whig portion of the city gave heavy, and the loco-foco portions gave light majorities for the Constitution. . . . With its adoption ends loco-focoism."[278] Though adopted by an overwhelming majority,[279] the Constitution was soon to prove unsatisfactory. "The collective wisdom and talent of the state had certainly deliberated long enough to have produced something desirable and satisfactory to the people. We shall see, however, that but a few years had elapsed, when another Convention had to be convened to amend the one which had been so elaborately discussed and framed."[280]

CHAPTER III

IN THE STATE LEGISLATURE

Now that the Constitution had been ratified, people next looked forward to the election (to be held the first Monday in January, 1846) of those who were to administer the government under its aegis, naturally an important event. "The present election . . . is by far the most important that has ever taken place in this State; the party that will attain the ascendancy at this election will be likely to hold the reins of government for years."[1] The Democratic Convention of the First Municipality, meeting December 4 at the St. Louis Hotel, nominated as candidates for the State Senate Soulé, Bell, Daunoy, and Durant.[2] All party nominations for members of the Legislature were made by December 8.[3] Soulé's opponents were Burthe, Whig, and Roberts, Native American.[4] (The State Democratic Convention

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[276] *Daily Delta*, Nov. 4, 1845.

[277] This assumption by the Democrats of all credit for the new Constitution was one of the electioneering points in 1846. The Whigs retaliated by showing that they had prevented radical doctrines from being placed in the Constitution.—*Baton Rouge Gazette*, Aug. 16, 1845.

[278] *Ibid.*, Nov. 8, 1845.

[279] The Constitution met with French approval, many saying it was unfortunate that they themselves could not do as well.—*Daily Delta*, May 20, 1846.

[280] Gayarré, *op. cit.*, *IV*, 668.

[1] *Baton Rouge Gazette*, Jan. 17, 1846.

[2] *Daily Delta*, Dec. 5, 1845.

[3] Greer, *loc. cit.*, XII, 418.

[4] *Daily Delta*, Dec. 25, 1845.

had the previous July selected Isaac Johnson as candidate for governor and Trasimond Landry for lieutenant-governor.) A vigorous campaign was then waged.[5] At the outset Soulé (and Carter, a political orator) were responsible for a slight change in party procedure. At a meeting held on December 15 at the St. Louis Exchange, they recommended referring the appointment of the Central Democratic Committee to the various representative districts[6]—this action was approved by a party assembly at the Louisiana Hotel three nights later[7] and by one at Paterizo's Exchange, Pontchartrain Railroad, on the 20th.[8] At the latter Soulé, Johnson, and Durant spoke. The first two of these and General Plauché addressed their adherents at the Louisiana Hotel on the night of the 22nd.[9] A sidelight on political gatherings of that day can be gained by reading a description of the meeting the following night: "The democrats assembled in large numbers, *en masse*, at the St. Louis Exchange last evening. H. B. Cenas was Chairman, and there was, as usual, any quantity of vices [presidents], and the requisite secretaries. The thing of appointing dozens of Vice Presidents, who never open their lips or do aught we could never understand; but it has now become so systematic a branch of public meetings, that we presume that it would not be easy to reform it. Speeches of stirring eloquence were made by Messrs. Judge Isaac Johnson, P. Soulé, and B. Marigny."[10]

Soulé spoke at a party gathering on January 2 at the Suzette Ball Room, January 14[11] at Mozart Hall[12] (at this meeting a speech was delivered in German), the next night (in French) at the Treme Exchange.[13] As election day neared, "There was scarcely any thing thought of or talked of now but the elections. The candidates are as hail-fellow-well-metish with everybody as the greatest stickler for social equality could desire. In the camps of all parties—for there are three— the livliest preparatory activities for the conflict of Monday prevails; and all seem sanguine of success, although a few of the more phlegmatic of our citizens shake their heads and say no one can tell who will be governor until after the election."[14]

[5] *Baton Rouge Gazette*, July 15, 1845.
[6] *Daily Delta*, Dec. 17, 1845.
[7] *Ibid.*, Dec. 20, 1845.
[8] *Ibid.*, Dec. 21, 1845.
[9] *Ibid.*, Dec. 23, 1845.
[10] *Ibid.*, Dec. 24, 1845.
[11] *Ibid.*, Jan. 3, 1846.
[12] *Ibid.*, Jan. 14, 1846.
[13] *Ibid.*, Jan. 15, 1846.
[14] *Ibid.*

As a matter of fact, political campaigns then were carried on little differently from at present—with candidates kissing babies, shaking hands, being guilty of bribery, accusing their opponents of unpatriotism, etc.[15] The election (there were one hundred candidates),[16] the result of which was forecast by La Sere's victory of a few weeks earlier,[17] resulted in a sweeping victory for the Democrats, the only effect of the American party, according to the correspondent of the *National Intelligencer*, being to weaken the Whigs.[18] The entire city Democratic slate for State Senators and eleven of their nineteen candidates for Representatives were elected.[19] Soulé obtaind 3,607 votes (1,409 in the First Municipality, 1,502 in the Second, and 696 in the Third); his opponent, Burthe, 2,724; Bell, 3,421; Daunoy, 3,509; Durant, 3,359.[20] In the governor's race, Johnson received 12,403 votes; DeBuys (Whig), 10,335; and Derbigny (Native American), 588;[21] Landry, 12,661; Sparrow (Whig), 11,171; Destrehan (Native American), 527.[22] The Whigs attributed their defeat partly to the storm that swept the city during election days (three)—"a water-loco defeat".[23] "Loco-focos vote in all kinds of weather—the materials of which that party is composed care nothing for a wet jacket—they would throng the polls if the Heavens rained spikes and pitchforks. The Whigs love not the inclemencies of the weather and eschew them with an aversion that will not be gainsaid—8 votes instead of the customary 250 in St. Landry Parish."[24]

This session of the Legislature, to which Soulé had just been elected, "was one of the most important that had taken place up to this time: it was its duty to carry out by legislative enactment the mandates of the Constitution; it had to reorganize the judiciary, provide for the establishment of free schools, etc."[25] The night (February 8) before it convened, the Democrats (who had a majority of eight in the Senate and a theoretical one of twelve in the House—parties in the latter body were, as a matter of fact, balanced)[26] held a caucus in the State House

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[15] *Daily Picayune*, Sept. 9, 1849.
[16] *Daily Delta*, Jan. 29, 1846.
[17] *Ibid.*, Jan. 18, 1846. Le Sere was nominated by the Democrats of the First District to succeed Slidell in Congress.—*Ibid.*, Dec. 25, 1845.
[18] Overdyke, *op. cit.*, 13.
[19] *Baton Rouge Gazette*, Jan. 24, 1846.
[20] *Daily Delta*, Jan. 20, 1846.
[21] *Louisiana Senate Journal* (1846), 7.
[22] *Daily Delta*, Feb. 7, 1846.
[23] *Ibid.*, Jan. 21, 1846.
[24] *Baton Rouge Gazette*, Jan. 31, 1846.
[25] *Ibid.*, Feb. 14, 1846.
[26] *Daily Delta*, Jan. 25, 1846.

and later joined the procession to the St. Charles Hotel to greet the new governor and lieutenant-governor.[27]

The next morning at eleven o'clock the Senate was called to order, with twenty-four of its thirty-two members present.[28] The newly elected members were sworn in. Soulé opposed the selection of any officers other than secretary, but was overruled.[29] Garcia was thereupon elected president *pro tem.* The only other thing done that first day was the appointment of Soulé, Nicholas, and Parham "to find a convenient room for the sitting of the Senate."[30] The following day at the joint meeting of the two Houses to count the votes for governor, Marks and Soulé were appointed the tellers for the Senate. Though the result clearly showed Johnson's victory, Brashear proposed that, since the returns from one parish (St. Mary) had not as yet been received officially, proclamation of the election be postponed until they were. The Senate, on the advice of the president, having withdrawn to its own chamber, Soulé presented a resolution that the Legislature certify the election—this, he asserted, would be but observing the letter and spirit of the Constitution which says whoever shall have a majority of the votes shall be declared governor.[31] After agreeing to this resolution, the Senate returned to the Hall of the House. That body concurring, official declaration of Johnson's triumph was made.[32] The 11th was taken up with the election of reporter, translator, and enrolling clerk.[33] After five futile attempts to select a translator, the Senate elected Soulé's candidate, Foulhouze, as that official. Two others of his nominees, Dupré and Lacoste, won as clerks.[34] The next day Soulé voted for Brashear's motion to table Durant's "providing that all of the officers of the Senate be sworn in, according to that clause of the new constitution which prohibits fighting a duel or accepting a challenge."[35] After the tabling motion had been defeated 15 to 10, the resolution passed 16 to 11.[36] The Legislature then adjourned in order to join in the inaugural ceremonies (which took place in Dr. Clapp's church).[37]

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[27] *Ibid.*, Feb. 10, 1846.
[28] *Ibid.*
[29] *Louisiana Senate Journal* (1846), 1-2.
[30] *Daily Delta*, Feb. 10, 1846.
[31] *Ibid.*, Feb. 11, 1846.
[32] *Louisiana Senate Journal* (1846), 7-8.
[33] *Daily Delta*, Feb. 12, 1846.
[34] *Louisiana Senate Journal* (1846), 9-10.
[35] *Daily Delta*, Feb. 13, 1846. It will be remembered that he opposed the insertion into the Constitution of an anti-dueling clause.—*Proceedings and Debates*, 864.
[36] *Louisiana Senate Journal* (1846), 11.
[37] *Daily Delta*, Feb. 13, 1846.

In his inaugural message, Governor Johnson congratulated the Legislature on state improvements and recommended internal improvements on the Red River, the building of a railroad from the Mississippi to Grand River, the modification of the dueling law for better enforcement, the imprisonment for life of all colored persons in Louisiana who had committed crimes elsewhere.[38] These recommendations were next day referred to the appropriate committees. Soulé showed his sympathy with the governor's desire to improve internal means of communication by giving notice he would introduce a bill to establish roads between the back water sections and public highways.[39]

His bill for the administration of the University of Louisiana,[40] which passed its first and second reading that same day (and its third, January 27, 1847),[41] showed his continued interest in education.[42] Of that interest and of the value of education generally Mercier writes:

> Politics is the temple of society, education is the religion of it . . . . In one word, it is by the child that we regenerate the world; the germ of the future is in the child. . . . When Louisiana will occupy itself in that great work, Mr. Soulé will be counted without doubt among the founders of the new system . . . . He will want a common education accessible to all, without distinctions to the rich or poor. The being who appears in society has a right to instruction as he has a right to life . . . . Society is responsible for its children; it makes itself the accomplice of the one who, rambling across the darkness of ignorance, falls into crime. With what right do we dare punish the one whom we have not reared? always punish? Let us teach a little more; we will have much less to atone for. Let us found a social order where the souls can function in the right and divine sense and we will no longer need these penitentiaries.[43]

To realize fully the need for such a comprehensive school system and the value of the legislation of 1846-1847 providing for its beginning, we must notice what educational progress had been made up to that time. In 1804 an act was passed establishing a college to be supported by funds from lotteries. Seven years later thirty-nine thousand dollars was appropriated by the State

[38] Greer, *loc. cit.*, XII, 418.
[39] *Louisiana Senate Journal* (1846), 13.
[40] *Proceedings and Debates*, 911.
[41] *Daily Delta*, Jan. 28, 1847.
[42] *Louisiana Senate Journal* (1846), 13.
[43] Mercier, *op. cit.*, 99-102.

for educational purposes, fifteen thousand of which was to go for the building of the New Orleans College (1812). Such provisions, however, did not touch the mass of children.[44] In 1826 two primary schools and a "central" one were established, to be supported partly by tuition (although fifty poor children between the ages of seven and fourteen might be admitted to each school free of charge) and partly by state appropriations that had hitherto gone to the College of New Orleans and a thousand dollar tax on each of the two New Orleans theatres. In the former, reading, writing, arithmetic, [45] French, and English were taught; in the latter, French, English, Latin, mathematics, and literature.[46]

The schools in the state (outside of Orleans Parish) were supported by annual appropriations of two dollars and a half a voter, the sum for each parish ranging from eight hundred to thirteen hundred dollars, the expenditure of which was supervised by parish administrators (who selected the school trustees) appointed by the police juries; those in Orleans (limited to one hundred pupils each) by lotteries.[47] Jefferson College was established in 1831 and Franklin the same year.[48] A system of public education originated in New Orleans in 1841 with a law requiring the municipalities to establish one or more schools for the free instruction of white children, the costs divided between state and municipality harbor fees.[49] The first school to be established under this legislation was in Lafayette (now a part of New Orleans); the second, with twelve pupils,[50] directed by a New England educator and a board of twelve citizens, in the Second Municipality.[51] The number of school children in New Orleans increased to 1,000 in 1842, 1,343 in 1843, 1,798 in 1844,[52] 6,385 (in a population of thirty thousand) in 1850,[53] and 16,392 in 1858.[54]

An attempt by the Legislature of 1845 (the last under the old Constitution) to create a statewide, public school system resulted only in the creation of a board of commissioners for better-

[44] Waring and Cable, *op. cit.*, 51.
[45] *Daily Delta*, April 25, 1846.
[46] Martin, *op. cit.*, 425.
[47] *Ibid.*, 427-428. Gambling house taxes were a source of funds after 1832.—*Ibid.*, 135.
[48] Norman, *op. cit.*, 43.
[49] Rightor, *op. cit.*, 236.
[50] Waring and Cable, *op. cit.*, 527.
[51] Norman, *op. cit.*, 163.
[52] Waring and Cable, *op. cit.*, 527.
[53] Rightor, *op. cit.*, 235.
[54] Waring and Cable, *op. cit.*, 527.

ment of school organization, the doubling of the appropriations to New Orleans schools, and ordering the sale of the College of Louisiana.[55] Considerable as was this progress, the schools of New Orleans and of Louisiana generally were inferior to those in the rest of the country. "The pupils in the public schools of Boston numbered 16 percent of the whole population; of Philadelphia, 11¾ percent; of New Orleans, 7⅓ percent."[56] "In 1845, there were 1,012 schools, 327,418 scholars, 6,609 teachers, and an appropriation of $561,951 in Pennsylvania; 194,984 scholars, and an appropriation of $789,395.55 in Massacusetts."[57] Because of this inferiority of Louisiana schools, those who could afford to do so sent their children to Northern or European schools. Soulé's son attended a French academy[58] and later Harvard. For this he was accused in the heat of the compromise struggle of 1850-1851 of disloyalty to his own ideals (championship of the rights of the South).[59]

With this background in mind, let us notice what the Legislature of 1846 achieved in the way of educational progress. The report of the Committee on Education, brought in March 12,[60] read as follows: "Schools shall be established for white children and be supported by an ad valorem tax in each parish and a capitation tax on all whites over 21; proceeds of sale of school lands, fines, forfeitures, etc., shall be a loan to the state at 6% interest." A State Superintendent should be appointed by the governor with the consent of the Senate,[61] who shall make annual reports and shall appoint the parish superintendents, who shall be treasurers and school directors in their parishes.[62] In his defense of the report when made, Gayarré recommended the state-wide adoption of the New Orleans public school system. He pointed out, too, the increase in appropriations from $2,058.12 (of which $2,000.62 went to New Orleans schools) to $46,336.58.[63] On April 24, when the subject again came up for consideration, Mayo, Hunter, Soulé, Brashear, and Parham were appointed as

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[55] Martin, *op. cit.*, 446. For educational achievements of the Convention, see *Constitution of 1845*, Title VII.

[56] Waring and Cable, *op. cit.*, 527.

[57] *Daily Delta*, Feb. 21, 1846.

[58] Mercier, *op. cit.*, 59.

[59] New Orleans *Daily Crescent*, Dec. 6, 1850.

[60] *Louisiana Senate Journal* (1846), 55. It was not printed until January 14, 1847.—*Daily Delta*, Jan. 15, 1847.

[61] Until this provision, the Secretary of State had served as Superintendent of Education.—Martin, *op. cit.*, 435.

[62] *Daily Delta*, April 25, 1846.

[63] *Louisiana Senate Journal* (1846), 57.

a special committee to report a bill for support of schools by the sale of the sixteenth sections of land.[64] Four days later they presented such a bill.[65] The following quotation shows the difficulty involved in that proposal: "The 1846 legislature, it must be admitted, did little more than make a beginning of a public school system—one reason being that the system was to be financed mainly by the sale of school lands and these lands were all too often located in an irreclaimable sea marsh and in other land of no value and again the sale was restricted. A memorial was adopted to Congress asking that other than sea marsh land be appropriated."[66] Dimitry was confirmed as Superintendent of Education on May 1 by the Senate, Soulé voting for him.[67] "Although additional legislation was . . . required before any practical results could be had",[68] these educational provisions were considered "one of the important accomplishments of the legislature".[69]

Soulé's proposal that the President be allowed to appoint the standing committees was carried (February 13).[70] Four days later when they were selected, Soulé was placed on two: Judiciary, and Auditing Expenses of the Senate.[71] The work of the former (as in the Constitutional Convention of 1845)[72] was important and extensive; but not so the latter, there being but a few references to it in the *Journal*. On May 6 a Mr. Galby was paid $5,015.60 and a Mr. Forns $273 for expenses incurred in the celebration of February 22. At the same time an amendment forbidding further state appropriations for such purposes passed by a vote of 12 to 8, Soulé voting against it.[73] The committee was instructed, January 22, 1847, to report a bill for reducing expenses.[74] A resolution that no member of the Legislature have more than one newspaper at state expense was laid

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[64] *Ibid.*, 73. A bill for the sale of public lands had previously been discussed (March 23.)—*Ibid.*, 10-11. It passed on March 30 by a vote of 22 to 3, Soulé voting yes.—*Ibid.*, 36.

[65] *Ibid.*, 78.

[66] Martin, *op. cit.*, 448.

[67] *Louisiana Senate Journal* (1847), 21. A resolution authorizing the Governor to appoint three men to visit the schools in each parish was laid over January 13, 1847.—*Ibid.*, 11. A committee was dispatched to Alexandria in the interest of establishing a college there.—*Ibid.*, 72.

[68] Martin, *op. cit.*, 448. A special session of the Legislature in 1848 appropriated $550,000 for schools.—*Ibid.*, 450; Gayarré, *op. cit.*, IV, 672.

[69] *Daily Picayune*, May 8, 1847.

[70] *Louisiana Senate Journal* (1846), 14-15.

[71] *Ibid.*, 21-22.

[72] *Report of Debates*, 20, 142. For work in this legislative session, see *Louisiana Senate Journal* (1846), *passim*.

[73] *Louisiana Senate Journal* (1846), 89.

[74] *Daily Delta*, Jan. 29, 1847.

over, January 15. On Soulé's motion, June 1, Foulhouze and Wither (translator and clerk) were granted $226 for extra pay.

On February 16, 1846, a joint meeting of the Senate and House was held to elect a United States Senator who should succeed Barrow on March 4, 1847.[75] Scott nominated Downs, who had recently been appointed United States Attorney for the District of Louisiana;[76] and Adams, Grymes, Nicholas, Gayarré, Miles Taylor, and Slidell were in turn declared not candidates.[77] Downs was elected, receiving 76 votes (20 in the Senate, Soulé's among them, and 56 in the House); Grymes, 44 (8 in the upper house and 36 in the lower); Sparrow, 3 (1 in the former and 2 in the latter).[78] The *Daily Delta*, however, credited Downs with 77 votes and Grymes with 45.[79]

Soulé continued his opposition, first evinced in the Convention the previous year,[80] to the removal of the state capital from New Orleans. His motion to strike out from the "removal bill" the clause providing for the moving of the various state offices from New Orleans, however, failed to pass 18 to 8 (February 18).[81] The bill, incorporating Brashear's resolution to make Baton Rouge the capital, passed the Senate quickly,[82] but the House only after long and determined opposition.[83] Three commissioners were then (March 3) appointed to fix the site of the capital.[84] The bill providing the appropriation for the building, limited by Soulé's amendment to a hundred and twenty thousand dollars, was, however, laid on the table on May 30.[85]

In shaping the legislation necessary to carry out the constitutional provisions concerning reform of the judiciary, Soulé had much to do. Having given notice on February 16 of his intention to introduce a bill creating the office of Parish Notary,[86] he presented such a bill on the 27th.[87] Amended to make the term of

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[75] *Louisiana Senate Journal* (1846), 19. Incidentally, a motion to recall Barrow because of his opposition to the annexation of Texas had been tabled, by a vote of 22 to 20, two days previously.—Kennedy, *op. cit.*, 21.
[76] *Daily Delta*, Feb. 13, 1846.
[77] *Ibid.*, Feb. 18, 1846.
[78] *Louisiana Senate Journal* (1846), 20.
[79] *Daily Delta*, Feb. 21, 1846.
[80] *Proceedings and Debates*, 402, 836, 935-936.
[81] *Louisiana Senate Journal* (1846), 25.
[82] *Baton Rouge Gazette*, Feb. 21, 1846.
[83] Greer, *loc. cit.*, XII, 418.
[84] *Daily Delta*, March 5, 1846. Brashear, Cook, and Maunsel White.—*Ibid.*, March 24, 1846.
[85] *Louisiana Senate Journal* (1846), 141. (Regardless of chronological order, the work of the Judiciary Committee will be taken up in detail, followed by a discussion of other judicial acts, etc.)
[86] *Ibid.*, 15.
[87] *Ibid.*, 41.

that official two years instead of four (Soulé voting against), it was ordered printed on March 30,[88] passed the second time two days later,[89] and after a two-day debate on the duties of the notary, the third time on April 21.[90] A proposal to elect judges who should supervise the elections in New Orleans was referred on February 18 to the Judiciary Committee.[91] Soulé, in behalf of the Committee, reported the bill unfavorably because it would cause undue excitement and recommended that the sheriff should supervise elections (March 6).[92] Consequently, it was indefinitely postponed[93] (March 24).

He introduced a bill on February 23 (having given notice of it three days earlier[94]) to provide five District Courts in New Orleans, "giving to all, in accordance with the Constitution, equal jurisdiction, but directing the Attorney General to bring all criminal matters before one of them, giving all cases relating to successions the preference in another, etc."[95] The *Daily Delta* thus comments on the proposal: "This bill, though not as full and guarded as it might be, still contains the principles upon which the question must ultimately be settled—an outline of the only possible plan which can be adopted consistently with the interests of the people. This outline will doubtless be filled up and the whole improved before it is adopted."[96] Reported by the Judiciary Committee on March 6 for immediate consideration,[97] it was discussed three days later and, the salary having been fixed at four thousand dollars (to be paid, according to Soulé's amendment, quarterly), read the second time.[98] Its progress was temporarily blocked because the Senate refused to ratify the House Amendments on April 6 (the House bill for a similar purpose having been presented to the Senate that day)[99] providing for the enlarging of the New Orleans District to include Plaquemines and St. Bernard parishes[100] and for the salaries of the judges to be forty-five hundred dollars, insisting instead, by a

[88] *Ibid.*, 37.
[89] *Ibid.*, 41.
[90] *Ibid.*, 69.
[91] *Ibid.*, 26.
[92] *Ibid.*, 47-48.
[93] *Ibid.*, 13.
[94] *Ibid.*, 28.
[95] *Daily Delta*, Feb. 24, 1846.
[96] *Ibid.*
[97] *Louisiana Senate Journal* (1846), 48.
[98] *Ibid.*, 51.
[99] *Daily Delta*, April 8, 1846.
[100] On March 31 Soulé reported that the Judiciary Committee opposed this provision because the Constitution provided that New Orleans should constitute a separate district.—*Louisiana Senate Journal* (1846), 37-38.

vote of 14 to 13, on their figure of four thousand dollars.[101] On reconsideration (against which Soulé voted), the stipend was determined to be thirty-five hundred (an attempt to make it one thousand dollars lower failing 13 to 11) by a vote of 16 to 9, and the bill passed a third time (16 to 6, Soulé voting for).[102] As the House still insisted on its amendments, a committee of conference was appointed, Soulé, Durant, McWhorter, Mayo, and Allen representing the Senate.[103] Soulé presented the conference report, providing for thirty-five hundred dollar salaries, April 20, which was thereupon adopted.[104]

Apropos of the salary problem, the *Delta* says: "By our Constitution, qualifications of age, residence, and knowledge of the law, are required for District Judges, which compels the Governor to select them from the leading members of the Bar. . . . The term is limited, and there is no certainty, however meritorious its officer may be, that he will be reappointed. . . . We need good judges, and to get such we must give them an ample consideration. . . . Shall Justice be weighed against gold?"[105] and of the disagreement of the two Houses over the question, "We are in the middle of April and the very first businses which the General Assembly should have completed, the organization of the Courts, is yet unfinished. . . . It is probable that much of the time will be occupied before anything is done. A legislature under a new Constitution can't work as fast as an ordinary one. But with the coming of summer there won't be a quorum present."[106] The bill to organize District Courts in the remainder of the State met with less opposition. It was referred to the Judiciary Committee on March 24[107] and, after the defeat by a vote of 10 to 8 of Soulé's motion to reject the section forbidding a Judge to leave his District, under pain of a fine, during court session, was passed on May 14.[108]

Penal legislation, too, was discussed. A resolution abolishing capital punishment was introduced on February 24.[109] Soulé's bill to allow a sentence of life imprisonment in capital cases was carried on May 14.[110] Imprisonment for debt was prohibited with

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[101] *Ibid.*, 47.
[102] *Ibid.*, 53.
[103] *Ibid.*, 55.
[104] *Ibid.*, 65-67.
[105] *Daily Delta*, March 12, 1846.
[106] *Ibid.*, April 14, 1846.
[107] *Louisiana Senate Journal* (1846), 12.
[108] *Ibid.*, 104.
[109] *Ibid.*, 31.
[110] *Ibid.*, 104.

the passage by the House of the Senate bill (March 10) providing that "no arrests shall hereafter be made in this state at the suit of a resident or non-resident creditor, except in case where it shall be made to appear by the oath of the creditor that the debtor had absconded from his residence."[111] This reform Greer asserts was one of the important achievements of that session of the Legislature.[112] A resolution was introduced on April 17 to imprison for six months those found gambling with slaves;[113] and another, ten days later, to punish white persons who killed or abused slaves.[114] A penitentiary was established at the cost of four hundred thousand dollars. The cost of operation was so great that it was leased for a period of five years, realizing for the lessee a profit of nineteen thousand dollars. This "farming out" system was severely criticized in an editorial of the *Daily Delta*, March 27, 1846: "A government monopoly is the worst of any—and it adversely affects the largest class of the community. The State has made a commerce of crime, and, to the injury of the honest and industrious, reaps a profit from the punishment of the vicious and depraved."[115]

An election controversy, too, was referred to the Judiciary Committee. Soulé, in behalf of the Committee, to which had been referred on March 3 the resolution that Joseph Walker's election by the Senate as State Treasurer (February 23, by a vote of 17 to 11, Soulé voting yes)[116] was unconstitutional,[117] reported that, since the Constitution had provided for the election of Treasurer by *viva voce*, the election was valid.[118] The report was adopted three days later (March 9).[119] In executive session on March 11, since there was a widespread belief that the Treasurer's bond was not sufficient, Soulé moved that the President furnish a similar bond. The President's declaration that such a proposal was out of order was overruled by the Senate, which thereupon passed the motion 32 to 2.[120] The following day, on Soulé's motion, the bond and its supplement were declared sufficient.[121] An attempt to have the Treasurer elected biennially, though passing

[111] *Daily Delta*, March 11, 1846.
[112] Greer, *loc. cit.*, XII, 419.
[113] *Louisiana Senate Journal* (1846), 63.
[114] *Ibid.*, 75.
[115] Gayarré, *op. cit.*, *IV*, 671.
[116] *Louisiana Senate Journal* (1846), 31.
[117] *Ibid.*, 43.
[118] *Ibid.*, 49.
[119] *Ibid.*, 51.
[120] *Ibid.* (*Executive Journal*), 4-5.
[121] *Ibid.*, 6.

18 to 8, (Soulé voting against) was defeated, as the majority necessary for a constitutional change could not be mustered.[122] Speaking of election contests, the Legislature also had to determine whether Prescott or Cooley was entitled to be the representative from St. Mary Parish. In accordance with the Committee's report presented on March 26,[123] the contested seat was declared vacant (April 2) by unanimous vote; further consideration, on Soulé's motion, was postponed until next day.[124] At that time, a motion declaring Cooley elected having been defeated 19 to 9 (Soulé voting against), the Governor was authorized to proclaim a new election, the vote this time being 25 to 2 (Soulé voting yes).[125] The report of Cooley's election was presented on May 25.[126]

On February 26 Soulé introduced a bill for the creation and election of Justices of the Peace for New Orleans.[127] It was passed on March 11. The act provided for six such officials (two each for the First and Second Municipalities, one for the Third and one for the right bank of the river).[128] Another bill for election of Justices of the Peace generally was favorably reported on April 14,[129] passed through its second reading two days later,[130] and its third the next day.[131] A bill to abolish Police Juries in New Orleans (transferring their duties to the Justices of the Peace) was referred to the Judiciary Committee on May 7,[132] which reported it favorably on the following day. The Senate, after the second reading of the bill,[133] referred it back to the committee on May 13,[134] and the next day laid it on the table by a vote of 13 to 12, Soulé voting yes.[135]

An example of the range of subjects dealt with by the Judiciary committee is seen in the reference to it of bills concerning interstate relations; such as the one forbidding a foreign corporation from collecting any debts it could not collect in its native

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[122] *Louisiana Senate Journal* (1846), 38.
[123] *Ibid.*, 27. It recommended this action, although thinking Prescott elected.—*Daily Delta*, April 3, 1846.
[124] *Louisiana Senate Journal* (1846), 43.
[125] *Ibid.*, 44.
[126] *Ibid.*, 125.
[127] *Ibid.*, 36.
[128] *Daily Delta*, March 13, 1846.
[129] *Louisiana Senate Journal* (1846), 56.
[130] *Ibid.*, 62.
[131] *Ibid.*, 63.
[132] *Ibid.*, 95.
[133] *Ibid.*, 98.
[134] *Ibid.*, 101-102.
[135] *Ibid.*, 104.

state or country[136]—which passed on May 7 with but one dissenting vote, Soulé voting affirmatively;[137] and the one to allow statutes of other states to be used as evidence in trials—which was shelved.[138] The Committee was instructed on April 8 to present a bill for the settlement of all difficulties by arbitration.[139]

Soulé's motion to transfer all pending cases from the old Supreme Court to the new, having been referred to the Judiciary Committee on March 3,[140] was favorably reported three days later.[141] The Senate passed the bill on the 9th[142] and the House ten days later.[143]

The bill to define the duties of the Clerks of the District Courts (not including those in New Orleans), referred to the same committee on March 10,[144] Soulé reported favorably on April 1.[145] Not discussed until the end of April,[146] it passed its second reading on May 5[147] and its third two days later.[148] A similar bill to determine the duties of the clerks in the New Orleans District Courts, proposed by Soulé on May 1,[149] was referred to the same committee on the 5th;[150] passed through all three readings under a suspension of rules, due to Soulé's motion, two days later;[151] was reconsidered on May 19 but again carried.[152]

A petition that the State purchase certain law books was referred to the Judiciary Committee on March 17.[153] It was likewise instructed to report on the advisability of buying Mazureau's Civil Code (March 26).[154]

A large number of miscellaneous resolutions and bills were acted upon by the Committee. Soulé reported on February 23 that petitions for emancipation of slaves were not proper sub-

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[136] *Ibid.*, 43. Referred March 3.
[137] *Ibid.*, 93.
[138] *Ibid.*, 60.
[139] *Ibid.*, 52. Incidentally, Soulé voted to lay on the table the motion requiring all newcomers into the State to declare their intention of becoming or not becoming citizens.—*Ibid.*, 19. He was not present when the demand that voters produce naturalization papers failed, 16 to 12, on May 21.—*Ibid.*, 117.
[140] *Ibid.*, 43.
[141] *Ibid.*, 49.
[142] *Ibid.*, 51.
[143] *Daily Delta*, March 20, 1846.
[144] *Louisiana Senate Journal* (1846), 54.
[145] *Ibid.*, 40.
[146] *Ibid.*, 80.
[147] *Ibid.*, 88.
[148] *Ibid.*, 93.
[149] *Ibid.*, 85.
[150] *Ibid.*, 98.
[151] *Ibid.*, 94, because of amendments made by the House.—*Daily Delta*, May 17, 1846.
[152] *Louisiana Senate Journal* (1846), 112.
[153] *Ibid.*, 3.
[154] *Ibid.*, 17.

jects for legislative action. An act determining qualifications for voting (in accordance with the constitutional provisions), favorably reported that same day,[155] the Senate passed two days later 25 to 1 (Soulé not voting).[156] On March 4 the Committee was asked to draft a bill altering the law so as to give the creditor more security from tacit liens of married women;[157] and on March 16 one defining the manner of election of parish officials.[158] It declined ten days later to present any bill legalizing a marriage contract; at the same time it reported one for a change of venue.[159] A favorable report, too, was given the bill allowing political corporations to contract debts up to a hundred thousand dollar limit,[160] and to the one (April 29) empanelling juries. Soulé usually reported the Committee's recommendations, but this last one was read by Durant.[161] The Committee recommended that the Third Municipality in New Orleans should be allowed an additional Alderman, but not the Second.[162] The proposal abolishing the records of births and deaths was regarded as unwise (May 13).[163] One bill favorably reported allowed a man named Burgure to adopt a boy.[164] Another gave Recorders the right to try minor criminal cases.[165] A proposal to prohibit the sale of lottery tickets was referred on January 14.[166]

Not all the resolutions and bills referring to courts and judges, however, were presented to the Judiciary Committee; for instance, confirmation of judicial nominees. On March 10 during the executive session Soulé moved that the confirmations of Eustis, Rost, King, and Slidell (Thomas) as Justices of the Supreme Court be made the special order for the 13th.[167] On that day, although his own proposal that these nominations be sent in separately by the Governor failed, a similar one was carried.[168] The four nominees were confirmed on March 18[169] and the Supreme Court organized the next day.[170] Nominations of District

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[155] *Ibid.*, 30.
[156] *Ibid.*, 35.
[157] *Ibid.*, 45.
[158] *Ibid.*, 59.
[159] *Ibid.*, 32.
[160] *Ibid.*, 59. It passed next day.—*Ibid.*, 64.
[161] *Ibid.*, 80.
[162] *Ibid.*, 85.
[163] *Ibid.*, 101-102.
[164] *Ibid.*, 108. This bill passed on May 24.—*Ibid.*, 121.
[165] *Ibid.*, 127.
[166] *Ibid.*, 20.
[167] *Ibid.*, 3.
[168] *Ibid.*, 6.
[169] *Daily Delta*, March 19, 1846.
[170] *Ibid.*, March 20, 1846. They were not sworn in until June 22.—*Ibid.*, June 23, 1846.

Judges and Attorneys were not acted upon until the 1st of May. Soulé, McWhorter, and Mayo, appointed on May 28 to investigate charges against Boyle, the candidate for the Seventh District Court,[171] having reported next day the accusations to be unfounded, Boyle was confirmed by a vote of 23 to 4.[172] One nomination, that of William B. Lewis, was rejected on May 29 by a vote of 15 to 12, Soulé not voting;[173] and another withdrawn (May 30) because the nominee was not a resident of the district.[174] (A resolution for the removal of one judge because he left the State was passed on May 14).[175] Soulé voted for the confirmation of Judge McHenry (with whom he was later to clash)[176] and for that of his friend Remy as District Attorney—he was defeated 14 to 11.[177]

The bill to divide the State into sixteen judicial districts was taken up on April 13 and, after the number had been reduced to thirteen by a vote of 19 to 4 (Soulé voting in favor), was referred to a select committee,[178] which had on March 24 reported it would not consider the proposal until the pending bills for election of Justices of the Peace, etc., had been acted upon.[179] As finally passed (April 30, by a vote of 16 to 9, Soulé voting yes), it provided for seventeen districts, the proponents of that number winning 15 to 10; too, it incorporated Soulé's amendments making one district each for Orleans, St. Bernard, and Plaquemines parishes,[180] and authorizing the judges to begin their terms on June 3.[181] Under this law which was in keeping with the constitutional provisions for the abolition of the old parish courts,[182] only the judicial functions of the former Parish Judges, who were Recorders, or Presidents of Police Juries, were given to the District Court judges. These officials, who were to receive twenty-five hundred dollars, would serve but three months in the year.[183]

Two attempts to alter the judicial clauses of the Constitution failed: one to allow the Legislature to create other courts besides Supreme and District—the 17 to 10 vote in favor was not the

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[171] *Louisiana Senate Journal* (1846), 10.
[172] *Ibid.*, 19.
[173] *Ibid.*
[174] *Ibid.*, 21.
[175] *Ibid.*, 103.
[176] *Ibid.*, 7. February 11, 1847.
[177] *Ibid.*, 20. May 30, 1846.
[178] *Ibid.*, 54.
[179] *Ibid.*, 12.
[180] Against the opposition of the House, a similar provision had been written into the law organizing the District Courts of New Orleans.—*Ibid.*, 122.
[181] *Ibid.*, 81-82.
[182] *Ibid.*, 96-97.
[183] *Daily Delta*, May 1, 1846.

majority required for a constitutional amendment.[184] ("Legislative discretion in the matter of courts was greatly shackled by this Constitution [1845] as apparently the electorate feared not only executive, but also legislative abuse.")[185] The Supreme Court, for instance, held that the legislature could not create inferior courts[186]—the other to make Supreme Court judgeships elective,[187] which Soulé opposed.[188]

Discussion of courts and judges, however, did not represent the entire scope of Soulé's interests, which included such widely varying subjects as petitions, printing, protection of French interests, the prosecution of the Mexican War, purchase of books, and finances.

On his presentation, February 17, of the petition of the New Orleans French Orphan Asylum for aid, he, McWhorter, and Mayo were appointed as the Senate representatives on the committee to investigate its need for assistance.[189] The Senate, on Soulé's motion, May 26, granted the aid asked.[190] He presented the petition of one individual, Polo, May 19,[191] and his bill for the relief of another, Bruslé, passed on May 25.[192]

During the debate of March 3 on the printing bill,[193] Soulé's motion to pay the printer for the Legislature $1.35 per thousand *em* was voted down 21 to 7.[194] In the election on March 17 by both Houses for the Legislature printer, he voted in the first ballot for the *Courier*, which received 22 votes; in the second for the *Delta*, which received 3; and in the third for the *Jeffersonian*, which was elected, receiving 57 votes.[195] (The *Bee* received 43 votes and the *Delta* 11).[196]

In the interests of the French citizenry, Soulé moved that the official newspaper of the State Government be printed in French and English (March 4).[197] Just as once before,[198] although his

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[184] *Louisiana Senate Journal* (1846), 39.
[185] Miller, *op. cit.*, 49.
[186] *Ibid.*, 48.
[187] *Louisiana Senate Journal* (1846), 39.
[188] *Daily Delta*, April 1, 1846.
[189] *Louisiana Senate Journal* (1846), 20.
[190] *Ibid.*, 128.
[191] *Ibid.*, 113.
[192] *Ibid.*, 125.
[193] It did not finally pass until April 16.—*Daily Delta*, April 17, 1846.
[194] *Louisiana Senate Journal* (1846), 46.
[195] *Ibid.*, 4-5.
[196] *Daily Delta*, March 18, 1846.
[197] *Louisiana Senate Journal* (1846), 45.
[198] *Ibid.*, 6.

particular motion failed, a similar one passed.[199] His proposal that a translating clerk be employed was carried on March 12.[200] The House bill to dispense with the publication in French of judicial notices in certain parishes was defeated 13 to 7 on June 1.[201]

His motion on March 12 to consider the bill appropriating money for the Louisiana Volunteers Light Artillery, which passed,[202] brought to the fore the question of attitude towards the Mexican War then in progress. Louisiana, as a whole, strongly favored vigorous prosecution of the war. Before the rejection by the Mexican Government of Slidell, there had been a division of opinion as to whether there would be a conflict but after that event "almost all Louisiana urged war".[203] Kennedy states in another place, "The rejection of Slidell united the political parties of Louisiana, and in the early part of 1846 they urged a very vigorous war."[204] Meetings were held throughout the State, but we will notice only a few in New Orleans. The one on May 4 at the Commercial Exchange was addressed by Downs, Claiborne, and Wagner.[205] Two assemblies were held on May 20, a Democratic one at the St. Louis Hotel, which, however, disowned party considerations;[206] and the other at the Commercial Exchange, which is thus described: "A largely attended meeting was held . . . for the purpose of expressing their sentiments in relation to the late brilliant and successful achievements of General Taylor. Resolutions were adopted, praising [him] . . . and also Louisiana for its support of the war. The Governor was the President of the meeting and Soulé one of the Vice-Presidents. Whigs and Democrats were equally represented."[207] Another Taylor meeting was held on May 25, at which Governor Johnson, Mayor Crossman, Recorder Genois, Downs, Peters, Soulé, White, and Freret spoke.[208]

This attitude towards the war elicited editorial praise. The Little Rock *Gazette* "ascribes all honor to Louisiana who has shown such real devotion to her country, and has pledged her

[199] *Ibid.*, 47.
[200] *Ibid.*, 55.
[201] *Ibid.*, 140.
[202] *Ibid.*, 57.
[203] Kennedy, *op. cit.*, 30.
[204] *Ibid.*, 94.
[205] *Daily Delta*, May 5, 1846.
[206] Greer, *loc. cit.*, XII, 421.
[207] *Daily Delta*, May 21, 1846.
[208] *Ibid.*, May 26, 1846.

treasure and sons to the great cause. It is a lesson to small politicians never to doubt the power of the American People."[209] The New York *Telegraph* contrasted the petty party squabbles which had divided and hindered Congress with the energy displayed in Louisiana.[210] It was fortunate that New Orleans did support the war so strongly, since it was selected by the Federal Government as the base of all war activities. "Troops came and left every day, usually coming by river or ocean boats. . . . New Orleans became the storehouse for supplies and munitions from other states and from the U. S. Government."[211] It was likewise the financial center for the war. All this feverish activity, however, brought calamity in its wake—yellow-fever. "In August, 1847, it was stated that New Orleans was a sad and gloomy city. The streets were almost deserted, business almost suspended and many people were dying as the result of the terrible disease."[212]

With this backing of the people, let us see what the Legislature did. On May 2, immediately after the presentation of the House bill appropriating one hundred thousand dollars to be used in equipping four regiments of volunteers, Parham proposed this resolution, "That the Legislature is willing to make such appropriations as the Governor of the State may deem necessary or expedient for national defence or national honor." The resolution being read, he moved a dispensation of the rules, and that the resolution pass to a second and third reading. Mr. Mayo moved to amend the resolution by adding, "and the whole resources of the State be placed at the disposal of the Governor for these purposes." It was suggested by Mr. Soulé and others that these objects were already introduced in the resolution and Mr. Mayo withdrew the amendment. The resolution passed unanimously amid a cheer.[213] The bill was engrossed a few minutes later and sent to the Governor—an example of quick action. Everyone was intensely enthusiastic.[214] The bill to provide for the payment of the Texas volunteers, those who went to Corpus Christi with Major Kelly and Captain Norman, passed the Senate on the 5th.[215] Several men were granted leave of absence with pay to fight in the war: a sheriff on May 14 by a vote of 23 to 4;[216] and the

[209] *Ibid.*, May 21, 1846.
[210] Kennedy, *op. cit.*, 94.
[211] *Ibid.*, 57.
[212] *Ibid.*, 61-62.
[213] *Daily Delta*, May 3, 1846.
[214] *Ibid.*
[215] *Ibid.*, May 6, 1846.
[216] *Louisiana Senate Journal* (1846), 103.

Secretary of the Senate, who offered to resign, four days later.[217] The same day Soulé moved the second reading of a bill to raise more money to pay the volunteers. A motion to fix the amount at one hundred thousand dollars failed 18 to 8, but one to make it twice that amount passed 15 to 10. Soulé voted for both.[218] A bill was passed, too, to extend thanks to General Taylor (May 18)[219] and one (May 31) to give him a sword.[220] On May 24 the Senate, after rejecting the bill to give a bounty of ten dollars and a month's pay in advance to each of the members of the Louisiana State Artillery, later passed it 18 to 4, Soulé voting for it.[221] A resolution adopted 17 to 2 on January 15 appropriated a hundred dollars to be used for purchasing flags.[222] Thus we see demonstrated the truth of Greer's assertion that "Soulé, as a Democrat, defended the Administration's conduct of the war."[223]

Although Soulé failed to procure the Senate's consent, March 18, to consider the proposal to buy one hundred copies of Gayarré's *History of Louisiana*,[224] he did succeed in this endeavor on April 8.[225] The first section of the act, to purchase the books, passed the second reading 18 to 6; the second, to authorize the Legislature to send one copy to each State library and to retain the rest in the Louisiana State library, by a vote of 18 to 4, Soulé voting yes. However, a motion to read the bill the third time failed.[226] An endeavor to carry the proposal next day failed likewise by a vote of 12 to 9.[227] Soulé's motion, his last in this Legislature, that Gayarré's report on the library, recommending "an appropriation of two thousand dollars to be expended under the auspices of the Historical Society in procuring from Spain copies of original documents relating to the history of Louisiana",[228] be accepted and referred to the Committee on Public Education, was carried 14 to 11 on January 19.[229] That amount was given; but although it was found to be insufficient, the Legislature would grant no more despite the Governor's recommendations.[230] Soulé himself

[217] *Ibid.*, 109.
[218] *Ibid.*, 111.
[219] *Ibid.*
[220] *Ibid.*, 142.
[221] *Ibid.*, 124.
[222] *Ibid.*, 19.
[223] Greer, *loc. cit.*, XII, 421.
[224] *Louisiana Senate Journal* (1846), 5.
[225] *Daily Delta*, April 9, 1846.
[226] *Louisiana Senate Journal* (1846), 50-51.
[227] *Ibid.*, 54.
[228] King, *op. cit.*, 286.
[229] *Louisiana Senate Journal* (1846), 29.
[230] King, *op. cit.*, 286.

was a collector of old state papers—he possessed, for instance, the petition of Herrera for the concession of the island of Caillou and that of Neres for the island of Timballier, respectively, together with the permissions of Governors Carondelet and Miro and certificates of the Registry.[231]

The act to allow the Improvement Company to sell the St. Louis Hotel (which it had petitioned to do on April 1)[232] passed its second reading[233] of the act to protect the State against loss because of liabilities for bonds issued for the use of property banks.[234] In the debate on this bill on May 20, Soulé proposed an amendment that the Citizens Bank appoint three directors to liquidate its affairs. These directors were not necessarily to do as State financial offcials directed (as the proposal then read), but to do as they themselves thought best unless unanimously opposed by those men. That amendment passed 21 to 6, as did the one changing dates of maturity for the bonds.[235]

A number of miscellaneous items in the first session remain to be sketched. On February 20, Soulé voted against having ministers open the meetings of the Legislature with prayer. Though carried 13 to 11,[236] the motion was defeated on the 26th.[237] It was on Soulé's motion that Garcia, in the absence of Landry, was elected President *pro tem.* on March 9.[238] In connection with the motion to adjourn in June, Soulé introduced this provision, which passed: "That a joint committee of five members be appointed—two from the Senate and three from the House, respectively—with instructions to prepare, during the adjournment, such organic laws as may be necessary to carry out the provisions of the new Constitution; and that they report such modifications and amendments to the existing law in relation to criminal matters, and to successions as they may deem necessary; and that each member of said committee shall be entitled for each sitting to four dollars"[239]—and which ten days later (May 18) the Senate, in the face of House opposition, insisted upon.[240] On May 23 "the

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[231] Gaspar Cusachs, "Petitions for Concession of the Islands of Caillou and Timbalier, and Order of Survey", in *Louisiana Historical Quarterly*, II (1919), 303-306.
[232] *Louisiana Senate Journal* (1846), 40. The St. Louis had not been rented lately.
[233] *Ibid.*, 96.
[234] *Ibid.*, 105.
[235] *Ibid.*, 114.
[236] *Ibid.*, 29.
[237] *Ibid.*, 39.
[238] *Ibid.*, 49.
[239] *Daily Delta*, May 9, 1846.
[240] *Louisiana Senate Journal* (1846), 112.

bill for establishing an Insane Asylum, which passed the House unanimously, was taken up by the Senate and referred to the Finance Committee;"[241] five days later its consideration was postponed until the January session.[242] On May 24 Soulé was granted a leave of absence because of illness[243]—he returned, however, next day.[244] It was on Soulé's motion on June 1 that the Senate formally adjourned until January.[245]

The Senate reassembled at eleven o'clock the morning of January 11, 1847,[246] and listened to the Governor's message. It adjourned next day out of respect to one of its members, Dupré, who had died the night before.[247] Soulé made his appearance on the 13th.[248] Although most of the work done by the Legislature in the next few days, as, for instance, granting money to purchase flags,[249] prohibiting the sale of lottery tickets,[250] has been noticed, a few resolutions and acts remain to be reviewed, such as Brashear's resolution (which was defeated on January 16) that every alien intending to be a citizen make that declaration on his entering the country.[251] On the 19th Soulé's bill authorizing New Orleans to accept donations of property was passed. He reported that the act punishing persons for obstructing rivers was outside the scope of legislative power. At the same time he gave notice he would introduce a bill keeping the Supreme Court Library in New Orleans.[252] Before giving an account of Soulé's election as United States Senator by this Legislature, let us read an estimate of its work generally: "Most of the legislators were young, especially in the lower house, and inexperienced. The whole government had to be reorganized, but they went to work with zeal. But investigation, not ardor, was needed. There were too many constitutional restrictions. Much of the time was spent in settling clauses which were apparently inserted to cause debate. A new judicial system has been established, the Executive Department has been completed, education and internal improvements provided for, etc. Thus a great deal of work was done."[253]

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[241] *Daily Delta*, May 24, 1846.
[242] *Louisiana Senate Journal* (1846), 134. It was passed.
[243] *Ibid.*, 121.
[244] *Ibid.*, 125.
[245] *Ibid.*, 150.
[246] *Daily Delta*, Jan. 12, 1847.
[247] *Ibid.*, Jan. 13, 1847.
[248] *Louisiana Senate Journal* (1847), 9.
[249] *Ibid.*, 20.
[250] *Ibid.*
[251] *Daily Delta*, Jan. 16, 1847.
[252] *Louisiana Senate Journal* (1847), 17.
[253] *Daily Picayune*, May 8, 1847.

January 14, 1847, came the announcement of Barrow's death[254] in Baltimore on December 29.[255] "A post-mortem examination revealed the cause of death as an organic disease of long standing, aggravated by a severe cold. His remains were carried to Washington in charge of Senators Archer, Reverdy Johnson, Crittenden (who was present at his death),[256] and Representatives Moise, Garrett, Gentry, and others. They were met at the railroad depot by the Vice-President and members and officers of the Senate, together with many members and officers of the House of Representatives, who followed the corpse in mournful procession to the capitol where it was deposited in the room of the Finance Committee."[257] The session of the United States Senate on December 30 was taken up entirely with eulogies on Barrow.[258] The funeral was held the following day and the body returned to Louisiana.[259] On January 16 a resolution to wear a band of mourning on the left arm for a month was introduced into the State Senate.[260]

On the 15th Smith, in the House, proposed that the next day be set aside for the election of Barrow's successor; but his motion was changed to read the 19th.[261] On the 18th the Senate at first refused to read this resolution a second time, but later consented and also made its third reading the special order for the next day,[262] when it passed the resolution.[263] At noon on the 19th, therefore, the two Houses (the Senate composed of thirteen Whigs, seventeen Democrats, with two vacancies; and the House with forty-eight Whigs and the same number of Democrats),[264] with Brashear as presiding officer,[265] assembled for the election, with twenty-six Senators and eighty-seven Representatives present. Drew nominated Soulé,[266] who the previous night had been selected as the candidate of the Democratic caucus,[267] (Slidell did not desire the place, as he revealed in a letter to Buchanan. "Were I so disposed, I think I might play the Senator for a few

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[254] *Louisiana Senate Journal* (1847), 21.
[255] *Daily Delta*, Jan. 7, 1847. Alexander Barrow was born in 1801 in Nashville, and educated at West Point. He served as United States Senator from May 31, 1841, until his death in 1846.—Fortier, *Louisiana*, I, 71.
[256] *Daily Picayune*, Jan. 7, 1847.
[257] *Daily Delta*, Jan. 7, 1847.
[258] *Daily Picayune*, Jan. 7, 1847.
[259] *Ibid.*, Jan. 8, 1847.
[260] *Louisiana Senate Journal* (1847), 20.
[261] *Daily Picayune*, Jan. 19, 1847.
[262] *Louisiana Senate Journal* (1847), 26.
[263] *Ibid.*, 27.
[264] *Daily Delta*, Jan. 10, 1847.
[265] *Ibid.*, Jan. 20, 1847.
[266] *Ibid.*, Jan. 21, 1847.
[267] *Ibid.*, Jan. 19, 1847.

weeks to fill Barrow's vacancy, but the position would be a false one and would not advance my prospects for the only object of my ambition, a seat in that body of more permanent tenure.")[268] Zacharie nominated Bordelon,[269] and Porter, Roman. Only one ballot was necessary, Soulé receiving 59 votes (14 in the upper House and 44 in the lower), Bordelon 52 (11 in upper House and 4 in the lower), and Porter 1 (in the House). Bordelon and Soulé voted for each other, but Roman did not cast a vote at all.[270]

After the official declaration of Soulé's victory, the Senate returned to its chamber.[271] The next day the Legislature asked the Governor to present the proper credentials to Soulé.[272] This victory of Soulé was the first for the Democrats that year.[273] They won another in electing their candidate, Labatut, as Soulé's successor on February 14.[274] It is something of a coincidence that just at this time another man was elected United States Senator, who was to be one of Soulé's strongest allies in the compromise struggle, to fill out an unexpired term—Mason, of Virginia[275]—and a little later Jefferson Davis.[276] Soulé's election elicited an account in a Paris newspaper of his life and achievements, stressing his large landholdings, his income of two hundred thousand francs from his legal practice, and his desire to return to France after 1830.[277] The *Delta* had had this to say of Soulé when he was first mentioned for Senator by the *Courier:* "Of Mr. Soulé's party merits, and other claims on that score, it does not become us to express an opinion; but it will not, we trust, be regarded as a departure from our rule of non-interference in party contests, nor as a disparagement of the merits of other candidates, to say that Louisiana would be fortunate to secure in this high position a citizen of such great talent and public spirit as Mr. Soulé. His peculiar air, imposing appearance, dignified address, and magnificient oratory would create quite a sensation in that distinguished body, the U. S. Senate."[278]

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[268] Incidentally, he asked Buchanan whether he should take a seat in the lower House or try for a Senate place.—Louis M. Sears, "Slidell and Buchanan", in *American Historical Review*, XXVII, 709.

[269] *Daily Delta*, Jan. 21, 1847.

[270] *Louisiana Senate Journal* (1847), 30.

[271] *Daily Delta*, Jan. 21, 1847.

[272] *Ibid.*

[273] Greer, *loc. cit.*, XII, 420.

[274] *Daily Picayune*, Feb. 15, 1847.

[275] *Ibid.*, Jan. 31, 1847.

[276] *Collier's New Encyclopedia: A Self-Revising Reference Work With Loose-Leaf Features*, 12 vols. (New York, 1928), III, 277.

[277] *Daily Picayune*, Jan. 31, 1847.

[278] *Daily Delta*, Jan. 9, 1847.

CHAPTER IV

IN THE UNITED STATES SENATE

Soulé having departed for the national capitol on Sunday, January 24,[1] arrived in Washington several days before taking his seat on February 3.[2] He was welcomed "with warmth, admiration, and profound respect."[3] Johnson (of Louisiana) presented the credentials of the new Senator.[4] The Senate Soulé found was discussing war legislation, in which was soon injected the slavery issue—the prologue of the bitter strife in which he himself was to take an active role. "The very first day," the *Picayune* stated, "Soulé showed that to him patriotism meant more than partisanship—an auspicious beginning," and went on to explain, "The resolution from the House 'tendering the thanks of Congress to General Taylor and through him to the officers and soldiers of both the regular and volunteer service, for their bravery and skill in the storming of Monterey, with a provision that nothing therein be construed to sanction the capitulation of Monterey' gave rise to a debate of great interest."[5] Speight moved to omit the proviso as he wanted no qualification that might react on Jefferson Davis. Crittenden supported his stand, saying that party spirit should not enter into such a discussion; as did Butler, Webster, and Calhoun, who thought a vote of thanks should not be restricted.[6] Dissenting opinions were expressed by Sevier and Bayley; the latter claiming that, since the President did not favor the surrender, such a resolution would be a blow to him.[7] Soulé voted for the motion omitting the proviso, which carried 33 to 15,[8] Webster's addition "that thanks be tendered for their fortitude, skill, enterprise, and courage which distinguished brilliant operations at Monterey" being carried 26 to 23, the resolution then passed unanimously.[9]

The three million dollar bill "appropriating that sum to be used to negotiate peace with Mexico, and stating that the President was satisfied by information that he had received from Mexico, that a peace could be negotiated, and that he was ready

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[1] *Daily Delta*, Jan. 26, 1847.
[2] *Ibid.*, Feb. 11, 1847.
[3] *New Orleans Times*, March 30, 1870.
[4] *Daily Delta*, Feb. 12, 1847; *Congressional Globe*, 29 Cong., 2 Sess., 314.
[5] *Daily Picayune*, Feb. 12, 1847.
[6] *National Intelligencer*, Feb. 4, 1847.
[7] *Ibid.*
[8] *Daily Picayune*, Feb. 12, 1847.
[9] *Ibid.*, Feb. 13, 1847.

to enter into such a negotiation, based on the cession of New Mexico and California",[10] which had been introduced on the 2nd, was taken up on the 4th, but postponed until the following day so that Berrien might speak.[11] At that time he proposed an amendment disclaiming any intention of despoiling Mexico; as to wrest territory from a smaller nation he deemed unjustifiable,[12] or to force her to pay the expenses of the war. It was Johnson's view (expressed on the 6th) that if peace could only be honorably obtained by war, there should be no reason for peace now—and here was an attempt to buy one. He accused the President of forcing a war upon Congress without giving it sufficient information.[13] As long as no additional territory was added to the United States, there would never be any danger to the union, but acquisition he warned would bring "questions that will make the Union totter."[14] The slavery question thus alluded to by Johnson was definitely brought before the Senate that day by Bayley's motion declaring unconstitutional the resolution of the New York Legislature that slavery could not exist in the new territories,[15] and again on the 8th by the presenting of the resolutions of the Pennsylvania Legislature to the same effect.[16] (It was at this time also that Wilmot's famous proviso was being debated in the lower house.) Morehead opposed the bill because of the surety of agitating the slavery issue and because it would be dangerous to allow the President unlimited control of spending this appropriation.[17] On the next day (the 9th) Calhoun declared that the objects of the war could be obtained by holding a defensive line from the Gulf of Mexico to the Pacific. Mexico was "forbidden fruit" as there was too much danger of one section reaping all the advantages from any territorial gains.[18] This fear was scouted by Cass (February 10).[19]

Simultaneously with this bill, the ten-regiment one was under discussion. Originally passed by the Senate on February 1,[20] it had been amended in the House and therefore returned to the

[10] *Daily Delta*, Feb. 12, 1847.
[11] *Daily Picayune*, Feb. 13, 1847.
[12] *National Intelligencer*, Feb. 6, 1847.
[13] *Daily Delta*, Feb. 15, 1847.
[14] *National Intelligencer*, March 4, 1847.
[15] *Daily Picayune*, Feb. 16, 1847.
[16] *Ibid.*, Feb. 17, 1847.
[17] *National Intelligencer*, Feb. 9, 1847.
[18] *Ibid.*, Feb. 11, 1847; *Daily Delta*, Feb. 18, 1847.
[19] *National Intelligencer*, Feb. 11, 1847; *Daily Delta*, Feb. 19, 1847.
[20] *Daily Delta*, Feb. 13, 1847.

Senate whose Military Committee reported the bill on the 5th.[21] On the 10th, there came a startling repercussion of this House-Senate disagreement. Because this controversy had been termed by Ritchie in his newspaper a victory for the Mexicans, resolutions expelling him and his reporter, Westcott, were introduced into the two houses[22]—by Yulee in the Senate.[23] Debate continued several days; Mason and Hannegan speaking in behalf of Ritchie; Pearce, Yulee, Calhoun, and others against. By a vote of 27 to 21 the Senate expelled Ritchie but not Westcott. Soulé voted against such action,[24] and in the one speech he made during the session condemned it as having a "prejudicial effect in Mexico"[25] and as violating freedom of the press. The Senate should have followed Nero's command concerning a poet who had satirized him, "Let them [Roman Senate] forgive."[26] Soulé's position was upheld by the *Daily Delta*,[27] which deplored the attack upon the freedom of the press; and the *Picayune*, which thought that the dignity of the Senate had been lowered by such action.[28] The political significance of this incident one writer claimed was that it would arrest the union of democratic factions then in progress (but he went on to say it might not prevent their amalgamation for the presidential election of 1848).[29]

This same day Soulé "presented the memorial of James Pennoyer, praying compensation for his services and for injuries done to his vessel in rescuing the U. S. brig Porpoise . . . also the memorial of the New Orleans bar, praying that the mode of proceeding in civil cases be adopted in the equity cases brought before the Court of the United States in Louisiana . . . also the memorial of Edmund J. Forstall on behalf of Messrs. Hope and Co. of Amsterdam in relation to certain bonds emitted by the Bank of Pensacola, with the endorsement of the Territory of Florida.[30]

The debate of the Three Million Bill continued. Webster offered a resolution (on the 13th) stating that the United States had no intention of acquiring Mexican land. The bill was defended by Bayley, who claimed that it could be regarded either as a peace

[21] *Ibid.*, Feb. 17, 1847.
[22] *Daily Picayune*, Feb. 21, 1847.
[23] *National Intelligencer*, Feb. 11, 1847.
[24] *Daily Delta*, Feb. 23, 1847.
[25] *Ibid.*, March 3, 1847.
[26] *Ibid.*
[27] *Ibid.*, Feb. 23, 1847.
[28] *Daily Picayune*, Feb. 26, 1847.
[29] *Daily Delta*, March 6, 1847.
[30] *Congressional Globe*, 29 Cong., 2 Sess., 366.

or war measure; but criticized by Corwin, to whom military fame gained in such a war was discreditable; and Bayley, who regarded Congress as a group of school boys in mortal fear of their teacher (the President).[31] The bill found another supporter in Colquitt, who declared that the war had been caused by the annexation of Texas and not by an act of the President. "Disastrous consequences"—there should be no fear of them.[32] A message came from the President to the effect that, as the overtures of peace had not been accepted, the war should be vigorously prosecuted—the ten regiments called out and other needful measures taken.[33]

In the House two measures which are to loom large to Soulé in his second senatorial term were voted on: the Wilmot Proviso (the author of which the Washington *Union* declared was not Wilmot, but Van Buren who had hoped by this measure to split his own party),[34] which passed 110 to 89, and the proposal to extend the Missouri Compromise line to the Pacific which failed 104 to 81.[35] A glimpse into the House debates on these subjects will be of interest since we are to hear much more of the arguments here given. In introducing his Proviso, Wilmot claimed he was a friend of the South; but, as these territories were free of slavery by Mexican law, they must continue to be free. On the other hand, Cobb declared that extending the Missouri Compromise line to the Pacific would alone settle the issue.[36] That line of demarcation Brinkerhoff alleged the South herself had infringed upon when her representatives had voted against the anti-slavery provision of the Northwest Ordinance.[37] Another member retorted that the aim of the proposal was to destroy slavery and abandon the South to negroes and barbarians.[38] To the Southern argument that a man could take his property wherever he wished there followed the rejoinder that "a man could not own property in man."[39]

To both of these proposals Butler referred (February 18) affirming that the South could not be excluded from the new territory,[40] but would abide by the Missouri Compromise line.

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[31] *National Intelligencer*, Feb. 18, 1847.
[32] *Ibid.*, Feb. 14, 1847.
[33] *Daily Delta*, Feb. 23, 1847.
[34] *National Intelligencer*, March 7, 1850.
[35] *Daily Picayune*, Feb. 24, 1847.
[36] McMaster, *op. cit.*, VII, 480.
[37] *Ibid.*, VII, 481.
[38] *Ibid.*, VII, 482.
[39] *Ibid.*, VII, 483.
[40] *National Intelligencer*, Feb. 20, 1847.

While he loved the Union, he did not consider that the South should have an inferior place in it.[41] (It was for this view that Soulé fought valiantly in 1850 and 1851.) Speaking more particularly for the bill, he claimed that the appropriation, if given to the President the preceding year, would have been of more benefit than the entire army.[42] After several petitions had been introduced (on the 19th) against slavery,[43] Calhoun brought in his famous resolutions that the territories were the joint property of the United States and belonged by right to all; that no discrimination between states can be made; and that people can form whatever government they desire.[44] He asserted that the North had determined that slavery should never be extended;[45] and that with the admission of more free states the South would lose its last stronghold—the Senate. Then civil war would be very near. "A compromise," he thundered, "is but an act of Congress which may be broken at any time; it has no security or stability."[46] To Benton's criticism that such a resolution was a "string of abstractions", he asserted the Constitution itself was an abstraction.[47] We note in this connection the similarity of his "Southern Address" of two years later, "We ask not, as the North alleges we do, for the extension of slavery. That would make a discrimination in our favor as unjust and unconstitutional as the discrimination they ask against us in their favor. . . . What, then, we do insist on, is, not to extend slavery, but that we shall not be prohibited from immigrating with our property into the territories of the United States, because we are slaveholders."[48]

The growing rift between North and South can be seen by the vigorous approval of such sentiments by the Legislature of Virginia, by the Governor of Mississippi, and by the Democratic Convention of Georgia; and by the equally vigorous condemnation by the Legislatures of Maine and New Hampshire.[49] Any danger of disolution of the Union, however, was vehemently denied by Houston in his answer to Calhoun.[50] Speeches by Simmons and Calhoun marked the next day's discussion—the former asserting that, as Polk had admitted the Nueces to be the bound-

[41] *Daily Picayune*, Feb. 27, 1847.
[42] *National Intelligencer*, Feb. 20, 1847.
[43] Kennedy, *op. cit.*, 100.
[44] *Daily Picayune*, Feb. 28, 1847.
[45] McMaster, *op. cit.*, VII, 484.
[46] *National Intelligencer*, Feb. 20, 1847.
[47] *Ibid.*
[48] Samuel Eliot, *History of the United States from 1492 to 1872* (Boston, 1878), 395-396.
[49] McMaster, *op. cit.*, VII, 488-490.
[50] *Daily Picayune*, March 2, 1847.

ary of Texas, sending troops to the Rio Grande was an unwarranted invasion; that the people of the United States would spurn territory gained by buying peace; and that the South had recevied its full share of patronage; the latter that the Northwest Ordinance was unconstitutional, because slavery was forbidden in land given by Southern states; that such abuses would continue; but that thanks to the efforts of Ellsworth, Sherman, and Patterson, this government was not national, but federal.[51] Corwin condemned (February 21) the President as an "Eastern despot"[52] and Slidell as "too imperious".[53] Too little regard was given to the Mexican's deeply rooted love of his native soil. He closed with the statement that a love of war was a totally unpraiseworthy emotion.[54]

It was on this bill that Soulé delivered his maiden speech. Rising to speak on the 20th, he gave way to Calhoun,[55] but obtained the floor for the 22nd.[56] The natural interest manifested in the first oratorical effort of an erstwhile foreigner in the United States Senate Mercier thus describes:

> A long while before the opening of the session, a crowd of curious people invaded the room, the seats of the Senators were being filled, and soon the little space which remained was receiving the deserted members of the other chamber. Our Americans who all love what is extraordinary and difficult were waiting for the time with that chill of interest which the approach of an unknown man makes upon our heart beats. . . . One easily understood how each one was eager to hear him develop his thought in a political council where everything is discussed in English. That a stranger, an outcast of the Revolution, was going to appear at this post of honor, to which our country elevates its dearest children [is] a memorable lesson: a proud and touching protestation of liberty which seemed to call from it the injustice and persecution of the Old World to the sympathy and fraternity of the new.[57]

This statement was corroborated by Leon Soulé[58] and also by the *Daily Delta*, which gives as an additional reason for this show of interest the near expiration of Soulé's term.

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[51] *National Intelligencer*, Feb. 20, 23, 1847.
[52] *Ibid.*
[53] *Ibid.*
[54] *Ibid.*, Feb. 23, 1847.
[55] *Congressional Globe*, 29 Cong., 2 Sess., 466.
[56] *Daily Picayune*, March 2, 1847.
[57] Mercier, *op. cit.*, 1.
[58] Soulé, *op. cit.*, 26.

Soulé commenced with a deprecatory gesture for his boldness in speaking. However, he felt in duty bound to present his views on the question. Since Congress had appropriated funds to carry the war into the very heart of Mexico, why was there this resistance to granting money that might terminate hostilities? Next he delved into the causes of the war, classifying them as remote —the differing character of Mexican and American—and immediate—the annexation of Texas, because ever since that event, Mexico had regarded the United States as an enemy.[59] Mexico originally had not extended to the Rio Grande, a fact shown by the long delay by Spain in taking possession of the territory from the Nueces to the Rio Grande. (Incidentally, this statement was emphatically denied by Pearce, March 15.)[60] As Texas, having always maintained the Rio Grande to be its boundary,[61] had come into the Union with that understanding, the United States was simply protecting its own territory in sending troops to the Rio Grande.[62] The President did not make the war, but he could not remain passive when Parades came into power in Mexico, with the avowed intention to fight the United States. Polk's command for Taylor to advance not having been carried into effect for some time after its promulgation on January 13, 1846, Calhoun, informed of this order by Clayton, could, if he wished, have prevented any action. He did not, "He had before his eyes that mysterious relation which exists between the destinies of Mexico and the United States; he had before him the authority of the Constitution. He could not, would not, have surrendered the one nor the other. But he had good reasons and gave good reasons why he should not have acted. He was then so situated that his interposition in a matter of this kind might, in some respect, have affected his influence in another matter of most serious importance."[63]

At this point, Clayton interrupted to say that on February 3 he had vainly attempted to have the subject introduced into the House and to learn from the President what actually had occurred. Soulé's assertion, which he at this moment repeated, that it was generally known by January, 1846, that Taylor had been ordered

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[59] *Congressional Globe*, 29 Cong., 2 Sess., 474.
[60] *National Intelligencer*, March 20, 1847.
[61] Mexico disputed, not the Rio Grande, but the Sabine River as the boundary of Texas.—*Daily Delta*, March 3, 1847.
[62] *Daily Picayune*, March 2, 1847.
[63] *Congressional Globe*, 29 Cong., 2 Sess., 474.

to the Rio Grande Clayton categorically denied. Soulé, however, reiterated that declaration, saying further that Calhoun must have thought such a course of action would not endanger peace; or, if it did, the blame would justly be placed upon Mexico. The fact that no attempt to ascertain what had occurred was made in the Senate showed that the members must have been cognizant of the order.[64] Replying to Berrien's declaration that the boundary question was still all an open one, he insisted that annexation had settled it. Berrien, too, was inconsistent in voting to prosecute a war which he considered unjust. That Senator, in answer to Soulé's first criticism, pointed out that the boundary question, which the United States Government admitted was disputed, should first have been submitted to an arbitration board; and went on to explain, in reply to the second indictment, that, while he deemed the war unnecessarily commenced, he felt it his patriotic duty to support it; and also his patriotic duty to relieve the United States in the eyes of the world from the onus of unjust seizure of territory—hence his amendment.[65]

Soulé now continued his speech with an attack on Calhoun's "defensive line", as requiring too great supplies of men and money. Instead of that course, he advocated tendering a peace to Mexico; or, if not accepted, occupying the interior of the country and levying a tribute upon the inhabitants.[66] Having already noted the next part of the address, that criticizing the Senate for the expulsion of Ritchie,[67] we come to the conclusion, "an impassioned appeal to the sense of justice of the Senate in defense of Southern constitutional rights and immunities, which had been threatened in the course of the discussion on the war".[68]

The speech was well received, though we must be cautious in accepting Mercier's account of the laudatory interest it aroused. "Unanimous praises were grouped around his success. Around the room all mouths spoke the name of Pierre Soulé in public; and principally those of the orators whom he had just beaten with a superiority full of courtesy accompanied his name with the warmest commendations. Thus each one wanted to know his past—the one who had so identified himself with the intelligence, with the sentiment, with the hopes, and with the language of the country.

[64] *Daily Delta*, March 3, 1847.
[65] *Congressional Globe*, 29 Cong., 2 Sess., 474.
[66] *Ibid.*, 475.
[67] *Daily Delta*, Feb. 23, March 3, 1847.
[68] *Ibid.*, March 3, 1847.

Biographies appeared on all sides."[69] Leon Soulé notes that "the women, above all, have been possessed with an enthusiasm amounting almost to fanaticism, and the Senator from Louisiana became the lion of the drawing rooms of Washington."[70] Democratic newspapers spoke highly of the speech; the *National Intelligencer* made no comment. The *Daily Delta* carried this quotation from the Washington *Union* (during the address, Ritchie had sat in the gallery[71]): "Mr. Soulé must, in his effort to-day, have fully equalled—if he did not surpass—the anticipations of his warmest admirers. His manner of speaking is at once very peculiar and impressive. His speech was, throughout, a most triumphant exhibition of intellectual power, and was listened to by the whole Senate with uninterrupted and absorbed attention. It was a masterly vindication of the Mexican policy of our Government."[72]

The *Delta* itself said:

> His defense of the war, his exposition of its causes and origin are remarkably clear and lucid. He sustains throughout, the course of the administration, and shows that the war did not originate from the occupation of the Rio Grande, but from the annexation of Texas . . .[73]
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>
> He demonstrated very successfully that Mr. Berrien's amendment and Mr. Webster's resolution involved a logical absurdity . . . It was no great stretch of thought, but the clear enunciation of it struck the Senate with great force. It was the precise matematical precision with which he cut the webs of New England metaphysics which produced the agreeable effect. It was the answer of Voltaire to Young's "Night Thoughts".[74]

We have also the comment of the Boston *Courier:*

> Washington's Birthday was distinguished in the Senate by something new under the sun. We had a speech from a Frenchman. . . . Mr. Soulé did what Americans seldom do. He thoroughly studied and digested his subject, in the first place; he next thoroughly and systematically discussed it. He made some happy hits and many strong points. As a speaker, he possesses the very first merits. He is self-possessed, deliberate, and rises to the most impassioned declaration without overdoing himself. His pauses, gestures, and

[69] Mercier, *op. cit.*, 2.
[70] Soulé, *op. cit.*, 27.
[71] *Daily Delta*, March 4, 1847.
[72] *Ibid.*, March 3, 1847.
[73] *Ibid.*
[74] *Ibid.*, March 4, 1847.

> starts would do credit to a powerful actor. Though assured his manner is modest and deferential. He has been called the handsomest man in Congress. His language is chaste, appropriate, and precise. In a word he has a fresh, vigorous, and original mind. He has an intellect that will make him a leader wherever he may be.[75]

The correspondent of the Baltimore *Sun* compared him with Thiers: "Mr. Soulé reminds me strongly of the impassioned manner of Thiers and his delivery no doubt would be equally rapid were he to express himself in his native language. Thiers is smaller, with less brilliant eyes and attractive head and his head is closely shaved. Thiers' head is twisted as if hurt at birth. 'C'est un senateur qui parle.' "[76] Another Baltimore newspaper declares, "He chained, nay entranced, the Senate. I may say without fear of contradiction that it was the greatest speech ever yet developed on the Mexican question. He was perfectly at home in the whole subject and placed Messrs. Clayton, Berrien, Calhoun and Corwin completely *hors de combat*. . . . It says something for free institutions that foreigners with the spirit of liberty and fire of genius can rise from the humble calling of a gardener to a seat in the Senate."[77]

To Evans, who spoke the next day, however, the real cause of the war was Mexico's refusal to receive Slidell, an avoidable situation anticipated by the President.[78] This unjust war which neither national honor nor interest required[79] was not approved by the people. Further, Mexico would be too proud to accept peace under the terms inferred in the bill.[80] The 24th witnessed the Calhoun-Benton encounter, which was thus characterized by the *Picayune*, "The battle axe of Richard and the scimitar of Saladin were brought to the test . . . and the spectator beheld in equipoised admiration the strength of the crusader and the address of the Saracen".[81] In a review of the events leading to the war, Benton held Calhoun alone responsible for it. As early as 1836 he had proposed recognition and annexation of Texas, knowing then as later it would bring war. The march to the Rio Grande was only "the match that exploded the powder keg".[82] Calhoun was con-

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[75] *Ibid.*, March 13, 1847.
[76] *Ibid.*, March 4, 1847.
[77] *Ibid.*
[78] *Congressional Globe*, 29 Cong., 2 Sess., 475.
[79] *Daily Picayune*, March 4, 1847.
[80] *Congressional Globe*, 29 Cong., 2 Sess., 475.
[81] *Daily Picayune*, March 5, 1847.
[82] *National Intelligencer*, Feb. 27, 1847.

demned also by Niles, who, however, advocated a continuance of the war. In the speaker's belief, the Wilmot Proviso was not a movement of abolitionists, but of the entire people of the free states. The Union he declared was safe—a "string of abstractions" could not destroy it.[83] Davis (Massachusetts) pointed out there had been no formal declaration of war; and claimed that, regardless of the annexation of Texas, war would not have occurred if judicial counsel had prevailed—not Calhoun's whose sole wish was to preserve slavery. The President, knowing the boundary was in doubt, had, nevertheless, refrained from informing Congress of the march to the Rio Grande. Soulé's attempt to shift the blame from Polk by claiming Taylor was given discretionary power where to set up his camp was useless because the President had approved of the bank of the Rio Grande as an actual site;[84] and his (Soulé's) statement that the knowledge of the march was general was untrue.[85]

March 1 was an eventful day in the annals of that session, marking, as it did, the defeat of the Wilmot Proviso. Too, it was a foretaste for Soulé of the bitter struggle over that and kindred questions in the months to come. "About nine that night the question was taken on the proviso offered [disclaiming any intention of acquiring Mexican territory] . . . which was negatived by 5 votes."[86] The vote was 29 to 24; of the 29, 6 came from Northeastern states and 5 from Northwestern.[87] One of the arguments against it was that it would prevent acquisition of any territory—the very reason, incidentally, the Whigs supported it.[88] "A substitute was then offered for the whole bill by Mr. Johnson, of Louisiana [who advocated a vigorous prosecution of the war, capturing San Francisco and Monterey[89]] (not varying its objects, but embracing some preambles, which was agreed to by general consent, when Mr. Upham moved the adoption of a proviso prohibiting slavery in any territory which may be acquired, which proviso was earnestly advocated by the mover, and was strenuously opposed by Mr. Cass and Mr. Dickinson, of New York, the latter of which gentlemen was speaking at midnight."[90] Cass asserted that such a motion would divide the

[83] *Daily Picayune*, March 9, 1847.
[84] *National Intelligencer*, Feb. 27, 1847.
[85] *Ibid.*, March 7, 1847.
[86] *Daily Delta*, March 12, 1847.
[87] *National Intelligencer*, March 9, 1847.
[88] *Ibid.*
[89] *Ibid.*, March 13, 1847.
[90] *Daily Delta*, March 12, 1847.

country and prevent the gaining of any territory. The present was no time for such proposals. He was taken to task by Miller who pointed out that he (Cass) had approved the proviso the year before. Johnson, of Maryland, opposed the proposition as offensive to the South. The abolitionists were defeating their own ends, as were it not for their efforts slavery would be abolished within a hundred years.[91] He was aided by Butler, who said the territories should be for the use of all; and opposed by Dayton, who regarded legislation for the territories as the prerogative of Congress. Dix claimed that this new land should be free since it had been under Mexican law.[92] The proviso was defeated 31 to 21.[93]

In voting against it, Soulé "carried out not only . . . [his own wishes, but also those of the people] . . . [since the legislature which had elected him] expressed the wish of the people whom they represented when they adopted resolutions requesting their Senators and Representatives to use their best efforts, in case any territory was acquired from Mexico, to secure the enjoyment of all rights, immunities and privileges then enjoyed by any of the states or territories of the United States to this new territory."[94] Whigs and Democrats were alike on the question of slavery. "They thought as Louisiana was one of the earliest and most vigorous participants in the treaty and pacts of the war, she should be the foremost in exhibiting her determination not to be cheated from all share in the advantages, which would ultimately accrue from peace. But with the question of disunion staring them in the face they were willing to let fifty Mexicos perish."[95]

Immediately after the defeat of the proviso, Webster spoke against acquiring any possessions since, by intensifying the slavery issue, such action would endanger the Union.[96] (In this plea he voiced the opinions of the free states—shown, for instance, in the unanimous opposition of the Massachusetts Legislature[97]). Archer, while he had supported the two-million-dollar bill which made the Rio Grande the border, refused to vote for this measure which would dismember Mexico.[98] "The question was then

[91] *Daily Picayune*, March 12, 1847.
[92] *National Intelligencer*, March 20, 1847.
[93] *Daily Delta*, March 12, 1847.
[94] Kennedy, *op. cit.*, 101.
[95] *Ibid.*, 88-89.
[96] *Daily Picayune*, March 12, 1847.
[97] *National Intelligencer*, March 9, 1847.
[98] *Daily Picayune*, March 12, 1847.

taken—2 A. M.—and the bill passed 29-24, the Democrats favoring and the Whigs opposing."[99] Kennedy has this to say of the Whig attitude: "The opposition hung back from granting troops when the President asked for them, and did all in their power to discredit the administration. They boldly stated that the President could not be trusted with that amount of money [three million dollars]; they even charged that for selfish reasons the President and his administration were allowing the war to go on when a few blows would end it."[100]

Commissioners had then to be appointed to ascertain Mexico's willingness to make peace in return for the three million dollars—a problem which Democratic factionalism made it difficult for Polk to decide.[101] Soulé was mentioned, as was Benton. Buchanan refused to go unless Mexico definitely advocated peace.[102] It was on the latter's recommendation that Trist was appointed.[103] Trist's quarrel with General Scott brought a suggestion by the President in a Cabinet meeting that another commissioner, either Soulé or Jefferson Davis, be sent; Trist, however, not to be recalled. A new subject, it was discussed, but postponed.[104] Nothing was done; and it was Trist who drew up the treaty of peace.[105]

One or two other subjects of legislation should be noted. On February 25 Johnson's amendment to the Civil and Diplomatic Bill, providing for a Marine Hospital and Custom House at New Orleans, was passed[106] (and by the House March 1)[107]—a project in which Soulé interested himself in later sessions. On the 26th Crittenden spoke in favor of his bill appropriating half a million dollars to aid the Irish (meetings to raise money and supplies for the starving Irish were being held throughout the country[108]), citing the fact that fifty thousand dollars had been given to the people of Venezuela following an earthquake, with no opposition voiced by Calhoun or Randolph. Clayton and Cass declared their approbation, but Niles asserted it would be a dangerous precedent.[109] The bill passed on March 2 by a vote of 27 to 13, Soulé

[99] *Daily Delta*, March 12, 1847.
[100] Kennedy, *op. cit.*, 101.
[101] *Daily Picayune*, May 20, 1847.
[102] *Ibid.*
[103] Kennedy, *op. cit.*, 104.
[104] M.M. Quaife, ed., *Diary of James K. Polk* (Chicago, 1910), III, 78.
[105] Kennedy, *op. cit.*, 123.
[106] *Daily Picayune*, March 7, 1847.
[107] *Ibid.*, March 12, 1847.
[108] *Baton Rouge Gazette*, Feb. 12, 1847.
[109] *Daily Picayune*, March 7, 1847.

voting for;[110] but it was killed by a House committee.[111] That same day the bill for the admission of a free state was carried—Wisconsin.[112] Among the motions carried the following day was one authorizing the Assistant Doorkeeper to convey the body of Barrow to Louisiana whenever his widow wished.[113] With the closing of the session on March 4, Soulé's first senatorial term was over.

He went to New York about a week later and stayed at Delmonico's.[114] Gaillardet, the editor of the *Courier des Etats Unis*, gave a dinner in Soulé's honor, which was thus described by the New York *Courier:*

> In point of dinner everything was admirable, and the brilliant improvisations of M. Soulé and the charm of his conversation, added "the feast of reason" to that of sense. A graceful and characteristic incident occurred in the presentation, during the dinner, on behalf of the French florist, Martial, of a most superb bouquet made up with singular good taste and skill, and abounding in the choicest flowers, among which the violets predominated with a perfume that filled the room. This was the homage of a French artist to a distinguished French civilian and it was as warmly appreciated as it was tastefully prepared and given.[115]

Gaillardet himself wrote of that dinner, "As he announced to me his next visit to New York, I resolved to show that there was in the United States only one illustration, one only glory of the French name, and I . . . gave him in the restaurant of the Delmonicos Brothers, the Vefours, of New York, a dinner to which I invited the elite of our colony. There I retraced in a few words, his works and so dramatic life, and who was going to be more so to the end."[116] In response to the toast given to him and the resulting applause, Soulé gave expression to his belief in Democracy[117] (and that Mexico should be united to the United States) in these words:

> What I have just heard causes a profound regret for the native land from which I am removed. . . . France is lost for me, gentlemen, and if aught can console me for so immense a loss, it is the reflection that I have for mine the only country

[110] *Daily Delta*, March 12, 1847.
[111] *National Intelligencer*, March 4, 1847.
[112] *Daily Delta*, March 13, 1847.
[113] *Daily Picayune*, March 13, 1847.
[114] *Daily Delta*, March 19, 1847.
[115] *Ibid.*, March 24, 1847.
[116] Gaillardet, *op. cit.*, 9.
[117] Mercier, *op. cit.*, 3.

> that can worthily replace her. Banished while yet young from the country of my birth, I hastened to the land of liberty; the country of my adoption has invited me to the banquet of her glories and grandeur. To her I owe everything; she has received my allegiance. Fortunately Providence has opened to the two nations destinies so distinct and a future so peculiar . . . that they would never meet, but to excite in each other the hands of mutual assistance. The history of my life is a useful lesson, attesting the power and liberality of the political institutions of the United States. They will yet prevail over all the earth, for it is a truth which all who strive to do it can never succeed in obscuring, that the world is marching with great strides towards progress and perfectability. Nations are enfranchising themselves, and the day is approaching when breaking the idols under whose yoke they are still bent, they will resolve to be their own governors. The old world gave life to the new; the new will acquit the debt by giving liberty to the old. . . . If the Mexicans know how to appreciate the hand which now presses upon them, they would regard it with blessing, instead of curses; for, from the United States, they will gain the first elements of order and true liberty. From them they will learn to break the yoke of a clergy which, for the sake of its own interests, keeps them in ignorance and superstition. By them they will escape from the brutal despotism of the twelve thousand bandits who, under the title of officers, devour the public revenues, and claim the right of disposing of the country, not only for the present, but also for the future. . . . Wherever the United States sets foot, there remains ineffable traces of liberty.[118]

He toasted Mexico; "not the Mexico at war with the United States, but Mexico united hereafter to the North American Confederation", and avowed in his conclusion that "whatever may have been the results of the war so far on our neighboring republic, the advantages she will reap from it in the end will amply remunerate her."[119]

A few days later—March 13[120]—The French Consul-General presided at a dinner given to Soulé. Approximately a hundred persons, including La Sere, a Representative from Louisiana, attended. William Cullen Bryant, of the *Evening Post*, responded in English to the toast in honor of the Press; Colonel Webb spoke favorably of the industry of the French immigrants here.[121] Soulé

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[118] *Daily Delta*, March 28, 1847.
[119] *National Intelligencer*, March 18, 1847.
[120] *Daily Picayune*, March 24, 1847.
[121] *Daily Delta*, March 24, 1847.

made several speeches in French and English.[122] This function the editor of the New York *Courier and Enquirer* regarded as a compliment worthily betowed by men of whom New York had reason to be proud as constituting a very large and estimable portion of her most enterprising citizens.[123]

With La Sere as a traveling companion (and Cushman, of Massachusetts, as far as Richmond[124]), Soulé arrived in New Orleans on March 26, where the two "were cordially greeted by their friends."[125]

"The welcome which was given him by the French in New York was nothing beside the welcome he received in New Orleans." He accepted an invitation tendered by Ogden, Eyren, and Genois, to be honor guest at a public dinner, leaving to them the time to be chosen.[126] It as given on April 16 in the Orleans Ball Room to about a hundred and sixty Whigs and Democrats (including Preston, Farrar, Marigny, Johnson, La Sere, Gayarré, Elmore, Lewis, and Walker).[127] "Besides the food there were floats and confectionery decorations—the most conspicuous being a Temple of Liberty six feet high. On its summit waved the American and French flags. It was later sent to Madame Soulé. Landry presided; Soulé at his right, Johnson on his left. Toasts were given to the President, to the Army, and Navy."[128] Other toasts were drunk to "the Ladies of Louisiana; to General Taylor; to the Governor, who 'said he hoped his successor would have better luck in dispensing patronage than he had.' "[129] Marigny gave a toast to the Constitution of 1845; others, to the "Little Army at Buena Vista"; another to Jackson and Clay, "two as politicians, but one as Americans".[130] The President (Landry) drank "to the man who had first proved that a naturalized citizen can serve and honor the State, as well as a native citizen".[131] Responding with "the State of Louisiana"[132] Soulé cited, in passing, the names of the

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[122] Mercier, *op. cit.*, 85.
[123] *Daily Picayune*, March 24, 1847.
[124] *National Intelligencer*, March 23, 1847.
[125] Mercier, *op. cit.*, 88.
[126] *Daily Delta*, March 30, 1847.
[127] Mercier, *op. cit.*, 93.
[128] *Ibid.*, 88.
[129] *Daily Picayune*, April 17, 1847.
[130] *Ibid.*
[131] Soulé, *op. cit.*, 27.
[132] *Daily Picayune*, April 17, 1847.

most illustrious orators and summed up their qualities; it is a piece worthy of the Academy:

> While the wind of the North which carried to us not long ago, with my name, some parcels of a glorious flight, has left behind it only an imperceptible murmur whose last sigh I have heard, history writes already for posterity those glorious triumphs which it has given to me to be the means. However, when Webster, raising his forehead all radiant with genius, formed into sublime axioms the most ardent questions of public right, when Badger discovered the most complicated combinations of federal politics; when Berrien surrounded by all the prestige of academic forms and covered with magnificient cloak of pearls and rubies, was miserable because of a lost cause, when Corwin saw his phrases imprinted on somber faces, waked by his dramatic imaginations; when Benton whipped the tempests of his soul, and let run wild the storms of his great heart, in the midst of the Senate, surrounded by admiration and stupor; when Allen threw into the discussion the frightful intonation of his prophetic speech; when running over with burning lips the pages where were written his soul, in silence and in timidness Cass threw out his speech bounding in the midst of the agitation of the controversy, and holding his adversaries captive under the pressure of his wonderful speech; when the gigantic thought of Calhoun, raising itself in splendid and deceiving phrases, curbed the intellects the most robust and shook the most rebellious convictions; oh! then, the fever took me also. I rose to glory to triumph. I who had seen grandeur held above all the name of Louisiana, and in glorifying it paid in one day the debt of twenty years of kindness.[133]

The following description of him was written at this time:

> Happening in the U. S. Court yesterday, we were much pleased to hear again the musical voice of our distinguished fellow citizen, Pierre Soulé, who has just returned from his brief but glorious sojourn at the capitol, and resumed his practice at our bar. Though Mr. Soulé was always remarkable for the correctness and elegance of his diction, it is evident that his short senatorial career has contributed greatly to improve and facilitate his English elocution. In an important case, which he argued at some length yesterday, we were surprised at the unbroken fluency and ease with which he spoke in a language to which he was an utter stranger until he had arrived at manhood. It is deeply to be regretted that the State cannot be represented for a longer period in the

[133] Soulé, *op. cit.*, 27-30. In a newspaper account of his life, this dinner is described immediately following the discussion of his stand on the Compromise of 1850, thereby giving the incorrect inference that it took place in 1850.—*New Orleans Times*, March 30, 1870.

Senate of the United States by one who has reflected so much honor upon it, and who is himself such an admirable illustration of the elevating tendencies of our republican institutions.[134]

CHAPTER V

FORENSIC CAREER

While Soulé was thus making a name for himself in the political world, he was doing the same in the legal. In the accomplished pleader of this period, we see little resemblance to the youth who came to New Orleans, unknown, penniless, and ignorant of the language and customs of his adopted country. It will be remembered that, after only six months of study, he was admitted to the bar.

His first case was that of the Guerrero pirates—a sensation of its day. The schooner *Elizabeth*, cruising in the Gulf of Mexico, was chased by pirates who mistook it for the *Isabella*, a ship that had sailed for New Orleans from Havana with a cargo of gold. Summoned to heave to, it paid no heed. The order was renewed by the pirates, but this time reinforced by a cannon shot. The captain of the schooner pushed his sailors into the hold, seized the rudder and steered the ship with all sails flying to and over the bar of the Mississippi River—on which the pursuing pirates grounded. On its way up the river, the *Elizabeth* passed a warship and reported the occurrence. The man-of-war hurried down the river and with little difficulty captured the pirates (although a few escaped among the reeds of the desolate shores near by). The miscreants were tried in New Orleans. Mercier gives us a vivid but somewhat incoherent account of the proceedings:

> The prisoners were mysteriously signaling a stranger who had appeared for several days in the city. That man joined together all which could strike the young impregnated imaginations of the readers of Lord Byron. With a well proportioned waist, strong in its allurements; carrying high a brown and expressive head; pompous in his language, sometimes even eloquent, he walked around everywhere in his legal security, went to the theater, attracted the young men around him, and seemed to enjoy the romantic impressions that he produced on his way. The debates had begun. . . . A deafening noise spread the chill of uneasiness all around the city [the courtroom filled with strangers] . . . they [friends

[134] *Daily Dela*, April 8, 1847.

> of the prisoners], armed with pistols and daggers, occupied the precincts reserved to the public; at a convenient signal, they overpowered the watchmen; threw arms to the forty accused—and everything was in a turmoil. A little imtimidated, Soulé pursued his accusations. All at once a movement was made in the audience; attention was turned; no one listened to the orator. The man of whom we spoke advanced, pierced the crowd, placed himself with boldness on the first row.[1]

For part of the remainder of the story we are indebted to Leon Soulé: "Soulé let quietly the diversion which followed this incident subside, seized again the attention of the court, communicated to it his indignation, and returning brusquely, fell on that which seemed to defy justice and erased it."[2] Mercier finishes the story: "The author of all this trouble retired, confused and angered; he crossed the threshold of the yard, uttering a frightful threat; but thanks to God, it will never be realized. Many years have gone by; the same man after having served in the Mexican army, lived and heard M. Soulé and was not the least to render justice to his fine talent."[3] Mazureau and Grymes opposed him in this case.[4]

This bold and successful conduct of the Guerrero case "made" Soulé's reputation, and he soon became recognized as a leader of the New Orleans bar.[5] He was counsel in one of the batture cases, "Municipality No. 2 vs. Orleans Cotton Press", and plead successfully before the State Supreme Court[6] the right of the Cotton Press to batture land; the case had been appealed from the Parish Court. This case excited great attention in the profession on account of the juridical questions involved and the array of talent on each side, Mazureau and Price appearing for the plaintiff and Preston, Soulé, Eustis, Randall Hunt, and Hoffman for the defendants. It was the suit for the use of the public of a square of ground, situated in faubourgs Delord and Saulet—alluvia claimed on the ground that the faubourgs had been incorporated into and brought within the limits of the city of New Orleans. The decision

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[1] Mercier, *op. cit.*, 21-26.
[2] Soulé, *op. cit.*, 15.
[3] Mercier, *op. cit.*, 27.
[4] *New Orleans Times*, March 27, 1870.
[5] Gaillardet, *op. cit.*, 6; Fortier, *Louisiana*, II, 472; Soulé, *op. cit.*, 15; *Appleton's Cyclopedia of American Biography*, V, 611; Joseph Mitchell Pilcher, "Judah P. Benjamin, or Jewish Prophecy Fulfilled", in *Louisiana Historical Quarterly*, IV (1920), 481; McLure, *loc. cit.*, IX, 603; Henry Groves Connor, *John Archibald Campbell, Associate Justice of the U.S. Supreme Court, 1853-1861* (New York, 1920), 89; Leovy, *loc. cit.*, 117.
[6] Thomas Curry, *Report of Cases Argued and Delivered in the Supreme Court of Louisiana* (St. Paul, West Publishing Co.), XVII, 18 La. 122, pp. 120-277.

of the supreme court was in favor of the defendants. ". . . it was held by the majority that the right to future alluvial formations or batture is a vested right inherent in the property itself . . . [the fact of incorporation not changing it] . . ."[7] Soulé, together with Grymes, Prentiss, Finney, Benjamin, and Roselius, took part in several will cases (Hudson, McDonogh, Franklin succession cases), which involved large sums of money and intricate judicial problems.[8] His legal practice brought him wealth—which he saw swept away in the panic of 1837, but later he restored it.

The reason for his success Dufour thus gives: "I tell you frankly that if there is a tutelary star which watches over his destiny, I know it . . . it is his goodness. He owes the constancy of his success as much to his character as his talents."[9] Mercier elaborates this statement: "With a Christian heart, never did he refuse his help to the accused man. 'I have done a good deed'—such was often the only recompense he paid himself. . . .[10] Sweet and kind to all, but inexorably just, never did he admit a privilege among his clients; the first to enter his office was always the first one received. . . . Accessible to all, consoler of all suffering, without pretension, without ambition, a 'foyer' where many minds and hearts were nourished. There is the mystery of sympathies, which M. Soulé met in people; no intrigue or juggling."[11]

Let us picture Soulé, the "young lawyer"[12] as he appeared in this stage of his career. "Moderately tall; of a brown complexion; black and piercing eyes; facial expression sombre and terrible, but with an expression of softness and a gracious smile which brightens up all of his features; he is strong, well proportioned, with a regularly built head, as carved for an antique statue; long hair[13] falling on his neck; a little short; shoulders a little rounded; a fine mouth; a striking resemblance to the First Consul."[14]

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[7] *Biographical and Historical Memoirs of Louisiana*, I, 86.

[8] *Ibid.*, I, 89.

[9] Dufour, *loc. cit.*, XIV, 231.

[10] While minister to Spain, he made a priest chaplain of the United States Legation, in order to save him from political proscription.—Maunsell Bradhurst Field, *Memories of Many Men and Some Women: Being Personal Recollections of Emperors, Kings, Queens, Princes, Presidents, Statesmen, Authors, and Artists, at Home and Abroad, During the Last Thirty Years* (New York, 1874,) 9.

[11] Mercier, *op. cit.*, 29-30. Meynier, *loc. cit.*, X, No. 5, p. 35, attributes his success to his kind disposition.

[12] The Duke of Saxe-Weimar thus refers to him.—*Daily Crescent*, Nov. 30, 1850.

[13] The New York *Sun* said, apropos of seeing Southerners with long hair, that the Governor and Magistrates in 1649 called this a barbarous custom and a "sinful practice".—*Daily Picayune*, Aug. 31, 1844.

[14] Soulé, *op cit.*, 16; Hunt, *loc. cit.*, 59, refers to this Napoleonic resemblance; Dufour, *loc. cit.*, XIV, 12-13, says: "His countenance, in a state of repose, is handsome and mild in expression; when excited by passion or stirred by enthusiasm it is as speaking and eloquent a face as I ever saw."

As a lawyer, "he was more distinguished for originality, power, and brilliancy as an advocate than for profundity as a jurist."[15] "Like many of the French lawyers of that day he abhorred equity practice and knew little of the common law."[16] "It is in criminal cases of a difficult and desperate character that Mr. Soulé is eminently distinguished at the Bar and throughout the country. His intimate knowledge of the human heart, close observation, quick faculties, ready wit, fluent style; his large store of mental and physical galvanism make him the very prince of criminal pleaders."[17]

That he was one of the most eloquent speakers of his day is a fact well attested. "The silver tongued orator,"[18] "in his own language, he stands now unrivalled at the Orleans bar, and even in English, though we see him restrained, cramped by a fearfulness of neglecting grammatical rule, he yet holds a distinguished place among our best speakers. He has all the fire of the French revolutionary orator—all the force of the American character."[19] Mercier gives a figurative description of Soulé's method in his speeches:

> . . . at the beginning of the battle, he places himself on an elevated point from which he embraces the positions and the evolutions of his adversaries; then he descends with prudence; he wisely rejoins his forces; impresses them with a concentric movement; he presses his enemy, he presses it, he stifles it. It is the manner of great minds, frankly intrepid. But he sees himself repulsed, he recalls the ruse of the mountains; he attacks the enemy in the ambushes. . . . A mass of arguments roll from above like a cascade of stones. . . . . Mr. Soulé deepens the questions with a courage of investigation which nothing intimidates. If they present a technical side, he resolutely meets them, he assimilates the science of the authors who have treated it . . . and enters the lists only when he feels himself well enough armed to be able, in need, to throw the glove even to men of art. . . . . Mr. Soulé applied everything immediately to knowing the hearts of men. Too, that is one of the secrets of his power. . . . But the orator, a kind of divine transport makes his whole being tremble; he has the divination of a prophet, the radiance of a poet, the

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[15] *Appleton's Cyclopedia of American Biography*, V, 611.

[16] Leovy, *loc. cit.*, 47.

[17] *New Orleans Times*, March 30, 1870.

[18] Emily Hazen Reed, *Life of A.P. Dostie, or the Conflict in New Orleans* (New York, 1868), 32.

[19] Dufour, *loc. cit.*, XIV, 12; Edwin Anderson Alderman, Charles Alfonso Smith, and John Calvin Metcalf, eds., *Library of Southern Literature*, XV, 410. "His addresses before the courts were irresistible and those delivered in French were considered masterpieces of forensic eloquence."—Meynier, *loc. cit.*, X, No. 5, p. 35.

> magnetism of a musician, the seduction of beauty, and the force of truth. . . . When Mr. Soulé has finished moving about the materials of a question, he begs his wife, who is an excellent musician, to play some composition from a great master. He walks up and down; he meditates; the stones of the future edifice move of their accord into space. . . . Mr. Soulé does not give himself to more preparation. . . . Never is his eloquence from a more simple, more striking, more profound beauty than when it is in spontaneous surprise.[20]

"His speeches were not merely rhetorical, they were eloquent."[21]

Hunt, too, bears tribute to his eloquence: "He knew every art of fence, when to attack or to defend, how to thrust or to parry. It was inspiriting to observe the way in which he carried himself in court, where he was especially effective in criminal cases. He understood how to touch the hearts of his hearers and how to play upon their sensibilities. He employed much action in speaking. . . . He would at times act as if he were leading a tumult at a barricade of revolutionary Paris, at times as if about to head an onset of troops upon the field."[22] He goes on to tell us that Soulé often divided his speeches in half. "When he reached a climax, he would pause and ask the Court for a recess. As his standing at the bar enabled him to claim such a privilege, it was apt not to be denied. He would then make his exit followed by the suite of admirers which usually accompanied him to court, and on his return he would recommence perhaps to repeat the same artifice. . . . [When Soulé stopped once] Mazureau would exclaim in a voice of thunder, 'Here ends the first act. See the great actor!' "[23] A New Orleans paper remarks:

> He is one of the most unwearying and persevering of advocates. His powers of physical and mental endurance are inexhaustible. He is always well prepared . . . never tedious and pedantic. He usually relies on a few prominent authorities and on them constructs an ingenious and original argument. . . . There is something eccentric and independent in Mr. Soulé's style of arguments. He delights in startling, out-of-the-way, unexpected, but always ingenious ideas. His style is clear, lucid, strong, and pure. It gives evidence of much study and pruning in its remarkable freedom from redundant expletives, extravagant or ambiguous tropes; in its philosophic and chaste purity. He seldom employs a metaphor; and, if he does, it is plain, single, and simple; like the metaphors of the poet Gray, conveyed in a

[20] Soulé, *op. cit.*, 17, speaks of his best speeches as improvisations.
[21] Mercier, *op. cit.*, 88-91.
[22] Hunt, *loc. cit.*, 59-60.
[23] *Ibid.*, 60.

> single adjective. . . . The voice of Mr. Soulé is one of great strength, richness, melody, and flexibility. His self-possession always restrains it within a compass which, while it admits of the greatest earnestness and variety of intonation, never rises to that violent and strained vociferousness. . . .[24] His voice never fails, his limbs never weary, his grace and ease remain unimpaired.[25]

To these tributes may be added that of Dufour: "He possesses the supreme tact of touching at times the golden string of the heart."[26] "In him are found the three cardinal faculties which form a complete heart; perception, comparison, idealism—or, if you prefer, thoughtfulness, judgment, sentiment. . . . Mr. Soulé offers little opportunity for malice (though some would like it). However, regarding him closely, I might find some faults with his gestures,[27] which are often too hasty and sometimes useless; with his phraseology, which flows along too slowly and too majestically; with his arguments, which in the heat of battle scorch rather than enlighten."[28] Mercier's sketch was given to show Soulé's method of preparing speeches and a figurative description of them; Hunt's, to reinforce Mercier, and to show the divisions Soulé made in his speeches; the *New Orleans Times*, to show his style and the quality of his voice; Dufour's to show criticism. These flattering eulogies must be taken *cum grano salis*.

Even during the meetings of the constitutional convention Soulé devoted a part of his time to his legal practice, which he took up in earnest again after the convention adjourned. For instance, on March 27 he defended Hatch;[29] April 28, Herrison;[30] June 2, O'Blennis;[31] all of whom were acquitted on a charge of murder. As counsel for the First Municipality he upheld several times the constitutionality of a wharfage tax.[32] An example of "high finance" is exhibited in one of the cases in which he figured.

> It arises out of the claim set up by the plaintiff against the defendants for the proceeds of three hundred of the bonds of the company, of the value of $100 each, which the company had placed in the hands of this London house for

[24] *Ibid.*, 59. Hunt speaks of his melodious but powerful and well trained voice.
[25] *New Orleans Times*, March 30, 1870.
[26] Dufour, *loc. cit.*, XIV, 231.
[27] Soulé, *op. cit.*, 17, calls his gestures "sober but grand".
[28] Dufour, *loc. cit.*, XIV, 230.
[29] *Daily Picayune*, March 29, 1845.
[30] *Ibid.*, April 29, 1845.
[31] *Ibid.*, June 8, 1845.
[32] First Municipality vs. Owners of the Steamship Sultana.—*Daily Picayune*, May 25, 1845; First Municipality vs. Birkhead and Pierce.—*Daily Delta*, Dec. 24, 1845.

> negotiation, with instructions, as is alleged, that they were not to sell them under four percent premiums. The Draining Company also claims $100,000 from Lizardi, on account as they also allege of the defendants having sold the bonds, *according to instructions*, and afterwards purchasing them back at a reduced price when their market value had fallen, and then rendering an account of sales to the latter at the rate at which they had so purchased them back.[33]

A very amusing lawsuit is recorded during this time (though it occurred much earlier, if at all). "The lawyers are referred to as 'Counsellor R—— and S—— [Soulé], now one of the most distinguished of his profession among our Creole population. R——'s client brought suit to recover a cow—he had 16 witnesses to prove the cow was his and S—— 17 that it didn't. The cow was shaved by a barber and the plaintiff's mark discovered."[34]

Andrew Jackson, Soulé's one-time benefactor and host,[35] having died on June 8,[36] Soulé attended the condolence meeting of the Bar Association held in the Supreme Court Room on June 16. It was on his motion that Judge Bullard was called to the chair. A committee made up of Soulé, Grymes, Preston, Roselius, Benjamin, and Kenner was appointed to draft suitable resolutions, these to be submitted to a general meeting of the bar the following day.[37] At that time a funeral procession was held, orations delivered by Eustis and Marigny, and the sermon by Dr. Clapp, one of the best known of the clergymen of New Orleans.[38]

Likewise, both during and after the session of the Legislature Soulé carried on his legal practice. In March, 1846, in addition, he, Grymes, Denis, Wilder, Seghers, Odgen, and Bradford were appointed by the Supreme Court to act as a Board of Examiners to inquire into the qualifications of applicants for the bar.[39] In January he helped prosecute a claim of defamation of character rising from an unproved charge of embezzlement;[40] in May, a case of illegal arrest;[41] he, with Grymes, successfully defended a man charged with keeping the proceeds of a sale of 196

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[33] New Orleans Draining Corporation vs. Francis D. Lizardi and Company.—*Daily Delta*, Dec. 25, 1845.

[34] *Ibid.*, Feb. 16, 1846.

[35] Shortly after his arrival in this country, Soulé was a guest in Jackson's home and is said to have first learned to speak English there.—*Daily Picayune*, March 27, 1870.

[36] *Dictionary of American Biography*, IX, 526.

[37] *Daily Picayune*, June 17, 1845.

[38] *Ibid.*, June 18, 1845.

[39] *Daily Delta*, March 26, 1846.

[40] *Ibid.*, Jan. 19, 1846.

[41] *Ibid.*, May 5, 1846.

bales of cotton from his client.[42] He was counsel in the O'Blennis trial in September. On the 25th, the trial having been postponed a day in order to allow Soulé to arrive from New Orleans (it was held in Pointe Coupée Parish), after several panels of prospective jurors had been exhausted, the "twelve good men and true" were chosen from the bystanders. As the jurors spoke only French and the witnesses English, an interpreter was necessary. All arguments were given in French.[43] The case ended in another "hung" jury.[44]

Let us note a few of the court actions in which Soulé took part after his return from Washington as United States Senator. In a slander suit (Pegrau vs. Belague in the Fifth District Court) he appeared for the defendant. A verdict of five cents was brought in (instead of the five thousand dollars asked for).[45] He defended a man on a murder count—without a fee on the request of the man's brother.[46] One of his cases (Evans) was of wide local interest.

> The details of this suit are of somewhat extraordinary nature and have formed the subject of much conversation and excitement, particularly in the First Municipality. The report of the council on the subject occasioned the resignation of the former Recorder (Genois). The plaintiff [Ophilia Evans] alleges that she was assulted and beaten by the defendants [Philip Airgne, Sr. and Jr.; Philip Bernard; Charles and Francis Genois], near the Recorder's Office, in the presence of the police, and lays the damages at $50,000. Defendants allege that they cowhided plaintiff, and that she merited her chastisement by her conduct towards the venerable Mother of the Airgnes.[47]

The trial began on December 21[48] and "continued until half past twelve on December 23, when it was adjourned because of Soulé's absence and Mazureau's illness until next morning."[49] At that time "Soulé entered the court room, apparently laboring under indisposition. He drew up and filed an affidavit, stating his inability to proceed with the case on account of illness; and that, under the circumstances, the defendants could not have justice done to their case. He accordingly moved to adjourn. The Court [Judge McHenry,[50] of whom we will read later] de-

[42] *Ibid.*, July 12, 1846.
[43] *Ibid.*, Sept. 28, 1846.
[44] *Ibid.*, Sept. 30, 1846.
[45] *Ibid.*, April 10, 1847.
[46] *Ibid.*, Oct. 21, 1847.
[47] *Ibid.*, Dec. 21, 1847.
[48] *Ibid.*
[49] *Ibid.*, Dec. 24, 1847.
[50] *Ibid.*, Dec. 21, 1847.

cided against the motion as four days had gone on the case, and the other two counsels, Mazureau and Maurin could take his place. The jury returned a verdict of two thousand dollars against the defendants, except Charles Genois, who was acquitted."[51] The best known of these cases was the Bastrop claim.[52]

> The cities of Philadelphia and New Orleans as legatees of the late Stephen Girard claimed from the United States a tract of upwards of two hundred thousand acres of land, lying within the limits of the Bastrop grant in the Ouachita section, and held under the primitive title conferred upon the Baron de Bastrop, in 1796, by the Spanish Government. The United States claimed the land upon the Treaty of Paris in 1803, by which Louisiana and all lands and possessions not already granted to individuals were transferred to the United States. The case presented one of those rare instances in which, owing to the loss or destruction of the primitive title deeds, it was necessary to resort to evidence of a secondary character. The officers of France and Spain had apparently carried away the papers. Some fifty documents were brought forth by the counsels for the plaintiff—"time worn and discolored documents of every date"—letters as far back as 1795 in ancient chirography written with rusty looking ink upon the small coarse paper of the period, etc. One of the documents was a Royal decree of Spain in 1800 forbidding grants of lands to Americans. Were an adverse decision to be granted (denying the validity of the grant) hundreds of persons would be ousted from their possessions and the funds of Girard given to charity would suffer loss. It was not until lately that the various claimants have been permitted to present their claims—adverse to the Government—to the scrutiny of a court of justice; and it redounds not a little to the credit of the present administration, as well as to its popularity in the fast peopling region of the Ouachita, that it has been the first to afford our citizens an opportunity of presenting their long contested claims to a competent and impartial tribunal.[53]

Soulé and Strawbridge, as counsel for the two cities,[54] won a decision in 1848 in the United States District Court[55]—which

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[51] *Ibid.*, Dec. 23, 1847.

[52] Soulé had been involved in this case before—"in the suit of the heirs of Morehouse against the cities of New Orleans and Philadelphia for the title of Ouachita land in the First Judicial Court of New Orleans. Preston and Downs for plaintiff; and Soulé, Strawbridge, and Morel for the defendant".—*Daily Delta*, Nov. 26, 1845. November 28, he delivered "a very powerful argument, in which he interspersed anecdotes relative to the old Spanish forms of government, and the mode of contracting marriages in olden times, which was highly interesting and listened to by a very crowded court".—*Ibid.*, Nov. 29, 1845. Soulé and Strawbridge lost.—*Ibid.*, Jan. 18, 1846.

[53] *Ibid.*, Dec. 10, 1847.

[54] *Ib'd.*

[55] *Ibid.*, March 24, 1848.

was reversed three years later by the Supreme Court. The claims of the City of New Orleans and City of Philadelphia were dismissed. The other claimants under the grant shared the same fate. Thus the act of Congress of 1844, permitting certain claimants to sue the United States, which it was expected would prove so beneficial to the state of Louisiana, turned out prejudicial to her interests. This is the celebrated case in which Senator Soulé was employed, and who took the trouble to go to France and Spain to collect information relative to the grant. It is estimated that the costs alone in these cases amounted to nearly two hundred thousand dollars.[56]

Two other events connected with his legal career show the respect in which he was held. He was appointed (with Watts, Roselius, Wilde, Rawle, Winthrop, and King) to the Membership Committee of the Bar Association at its organization meeting on May 13, 1847, in the Supreme Court Room. At that meeting Kenner was elected chairman and a constitution adopted for the Law Association of New Orleans, the objects of which were to create good feeling among the bar members and to provide a library. Grymes was elected president and Kenner vice-president. The first meeting was to be held on November 15, 1847—but no quorum being present, it adjourned to the 20th. Its first membership (49) increased by 1908 to 301, 191 of these being in New Orleans.[57] Soulé presided at a meeting of the bar on May 8 to make arrangements for the reception of Webster. "The President, on taking the chair, made a few remarks in his own felicitous manner, on the subject for which the meeting was convened;"[58] and, in accordance with the request of the committee appointed to supervise the details, appointed Grymes, Prieur, Duncan, Ogden, Denis, Josephs, Kenner, Grimm, Elmore, with the President, Vice-Presidents (Kenner and Peyton) and Secretary, as a committee of welcome.[59] As a matter of fact, Webster, taken ill on his Southern trip at Augusta, was compelled to cancel his visit to New Orleans.[60]

As a speaker for both political and non-political gatherings, his services were in demand. For example, he was scheduled to speak at the Suzette Ball Room to the Second Representative Dis-

[56] *Daily Picayune*, March 4, 1851.
[57] Fortier, *Louisiana*, I, 68-69; Rightor, *op. cit.*, 157.
[58] *Daily Picayune*, May 9, 1847.
[59] *Ibid.*
[60] *Ibid.*, May 27, 1847.

trict Democrats on October 28.[61] Notices of two meetings on October 30 mention his name: "A mass meeting of the Democrats of the Second Municipality will be held at St. Mary's Market on Saturday Evening, at half-past 7 o'clock. Mr. Soulé and several other eloquent speakers will be present to address the meeting. A general rally is expected. By order of the Executive Committee of the Third Ward, B. Garrett, Secretary."[62] "The Democrats of the Third Municipality are requested to assemble en masse at the Ball Room on the corner of Moreau and Champs Elysees Street, on Saturday evening . . . at 7 o'clock. Messrs. Soulé, Reynolds, and Sigur will positively be present to address the meeting."[63] Soulé was a lyceum lecturer. His address "at the Polydras Street church last evening [May 28], before the People's Lyceum, fully came up to public expectation, based on his reputation for eloquence and ability. The magnitude of the evils arising from pauperism and idleness was forcibly illustrated and the duty of the citizen to found institutions, through which the unfortunate, without means, without friends, and unable to find employment, may, by their labors, the infallible preventive of vice, obtain the means of subsistence, was shown with effective vigor and eloquence. The church was filled with an intelligent and respectable audience. Throughout, the lecture was heard with the deepest attention, and at the conclusion his brilliant effort to arouse benevolence to activity was enthusiastically applauded."[64] Soulé, with Ogden, Prentiss, Gayarré, and the Governor,[65] took part in the distribution of prizes to the pupils of the Polytechnic School given in the Armory on April 20 (postponed from the 15th).[66] Thomas, the author of *Clinton Bradshaw,* spoke on the same occasion.[67]

In March, 1848, had come tidings very pleasing to Soulé and to many other New Orleanians. "The news of the last revolution in Paris . . . has diffused general joy throughout the bosom of every Republican. In this city it has created a universal feeling of gratification, in which our fellow citizens of French origin and descent more especially exult."[68] Soulé took an active role

[61] *Daily Delta,* Oct. 28, 1847.
[62] *Ibid.,* Oct. 29, 1847.
[63] *Ibid.*
[64] *Daily Picayune,* May 29, 1847.
[65] *Ibid.,* April 15, 1847.
[66] *Ibid.,* April 17, 1847.
[67] *Ibid.,* April 23, 1847.
[68] *Daily Delta,* March 28, 1848.

in the meetings held in commemoration of this event; for instance, the one on March 26 at the St. Louis Exchange[69] where after "the speech of the evening . . . by Soulé"[70] the Marsaillais was sung and resolutions adopted calling for a general celebration and banquet in honor of this revolution. (This was held on April 15 at the Orleans Ball Room, at which city, state, and federal officials were present.[71]) Incidentally, the parade preceding this assembly was given a political tinge by several shouting, "Viva la Republique, Viva la Republique. Hurra pour Joe Genois [Recorder]."[72] The meeting of April 11 was thus described:

> The immense rotunda of the St. Louis was crowded to excess. The galleries were filled, and many people were unable to gain admission within the rotunda. The room was appropriately hung with the star spangled and the tri color flags. The greatest enthusiasm—a tumultous enthusiasm—was exhibited by the vast multitude. . . . Mr. Prieur being loudly called for, declined addressing them in the presence of a gentleman so much better qualified to do justice to the noble themes of liberty, equality, and fraternity and would give way to his friend Mr. Soulé. There was immediately a loud and most vociferous call for Mr. Soulé to which that gentleman responded by ascending the platform and delivered an address of great eloquence and beauty. He spoke of the previous unsuccessful efforts of the French people and showed how base and groundless were the calumnies which had been uttered against the Republicans of France. He commended the moderation, devotion, and prudence of the French people, which had established beyond all fear and doubt their capacity for self government. [During the bitter compromise struggle of 1850 the *Daily Crescent* charged that he had made a speech in the spring of 1848 decrying the establishment of a French republic because the people were unprepared].[73] Mr. Soulé's speech was short, to the point, and like all his speeches highly effective. Prieur succeeded him, and the meeting then adjourned.[74]

Soulé's sympathy for those striving to gain liberty was not confined, however, to his former compatriots. In response to an invitation by John Petit to address a meeting of the Irish League, June 18, he wrote to him,

> I was aware of the melancholy news [Mitchell's execution] and I do heartily sympathize with the sufferings of the

[69] *Semi-Weekly Natchez Courier*, March 31, 1848.
[70] *Daily Delta*, March 28, 1848.
[71] *Ibid.*, April 16, 1848.
[72] *Ibid.*, March 28, 1848.
[73] *Daily Crescent*, March 30, 1850.
[74] *Daily Delta*, April 12, 1848.

> noble victim. But I am not dejected; the fate of Mitchell will speak daggers against the oppressors of Ireland. Let the alarm be sounded from the top of the hills wherever there is a human being that breathes the pure air of liberty and let the tyrant tremble! I cannot be with you to-night, as I have to preside over a special meeting of the French Benevolent Association; but my heart and soul will second you in any steps you may deem advisable to take under existing circumstances.[75]

This desire for Irish freedom may have been the cause, or result, or just an incident of Soulé's hatred of England—a hatred displayed in his senatorial career when he strongly condemned England's Nicaragua policy, including the Clayton-Bulwer Treaty) and her alleged encroachments on American fishing rights off the coast of Newfoundland.

In March of that year occurred an incident to which he could not "point with pride"—a sentence for contempt of court. He was defending before Judge McHenry a man charged with stealing a knife. An objection of his to a question of the Attorney-General being overruled, Soulé wrote out a bill of exceptions. Though this was signed by both the judge and the clerk of court, the former directed that it be not read; and, in answer to Soulé's remonstrance that it now formed a part of the court record, he said, "Mr. Soulé, I order you to sit down; the court is not to be interrupted in the progress of its business."

After a minute or so of staring at the judge, Soulé sat down and, in reply to the judge's angry query, "Are your looks meant for me? Do you mean, sir, to insult the Court by your looks?" slowly and deliberately replied, "I have a right to look how I please, where I please, and at whom I please."

> Judge McHenry: "In looking at me, as you did, did you mean to commit a contempt of court? Answer me."
>
> Mr. Soulé: "When I sat down, I perceived the Court looking at me. I meant to look at it."
>
> Judge McHenry: "Will you on oath purge yourself of the contempt which the Court assumes you have committed?"
>
> Mr. Soulé: "Yes, but the question to which I shall be called upon to reply shall be put in writing."
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> This apparently settled the matter as the judge then intimated he would go on with the case, the question of contempt to be considered later.

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[75] *Ibid.*, June 30, 1848.

Soulé now began to address the jury. "It might not have been necessary for me to trouble you with a single remark, if it had not—"

Judge McHenry interrupted: "Stop, Mr. Soulé, I cannot permit you to allude to the decision of this Court, or to question its correctness," and having ordered Soulé placed upon the witness stand, interrogated him: "Is your language intended as an act of contempt towards the Court, or meant to apply to the Court?"

Soulé: "The clerk of the Court has taken down my words; they are plain—they are intelligible—they speak for themselves."

Judge McHenry: "Then what did you mean by uttering such language?"

Soulé: "That it should be publicly known that gentlemen of the bar cannot discharge their duties to their clients in this Court, under circumstances such as the gentlemen of the jury have just witnessed."

The judge, ignoring for the time Soulé's thrust, ordered the Attorney-General to proceed with the case; but, after the verdict had been rendered, asked him if Soulé had not been guilty of contempt. The Attorney-General, unprepared then to answer, promised to do so.[76]

The next day saw "the closing scene of the great ogling match".

The large courtroom was crowded to overflowing, and the Bar particularly, abandoning all other courts, flocked into the Criminal Court. . . . The judge, in his discretion, carefully reviewed the case. He said, "Has the counsel grown so great that he can insult the courts of his country with impunity? the courts which have not the command of a public press in which to publish *ex parte* statements? And how does this Court treat members of the Bar? Does it not always treat them decorously? Does it not labor as long and as hard to accommodate the Bar as any other in the State? This Court would not appeal to partisans, to the followers of great men to verify this assertion; but would appeal confidently to the whole Bar." . . . The Court then proceeded to expound the law of contempt, quoting from the decision of Judge Garland in the case of the State vs. P. Soulé[77]—and

[76] *Ibid.*, March 16, 1848.

[77] Once before, Soulé had been guilty of contempt of court. His petition for a rehearing of the case of Mercier and Canonge (which had been settled partly for the plaintiff whom he represented and partly for the defendant) having been judged by the court "abusive, vituperative, and calculated to bring the dignity and authority of the court into contempt", he was summoned before the judge. On his refusal to answer if he were the author of the petition (*Daily Picayune*, July 10, 1844), he was declared guilty of contempt, the sentence being twenty-four hours' imprisonment and a hundred dollars fine.—*Ibid.*, July 13, 1844.

> concluded by sentencing P. Soulé to twenty-four hours' imprisonment and a fine of one hundred dollars, and that he be kept in prison until the fine be paid.[78]

Amid the shouts of friends, he was taken in a cab to the Parish Prison.

The sentence meant little to Soulé, as his friends subscribed not only the amount of the fine, but a hundred dollars in addition (which he gave to Charity Hospital[79]); and the "imprisonment" was a "time of continuous festivity [and feasting]. . . . The 'dungeon' to which, as it was figuratively said, he was consigned, was a clean, spacious, well-ventilated apartment on the 'first floor'. . . . There Mr. Soulé received his friends . . . they continued to call on him from the time of his entrance to his exit. He supped his friends and they supped his sauterne and champagne. He was serenaded twice by a brass band; and his friends of the Legislature, after their adjournment, waited on him a body."[80]

As he left the prison on the termination of the twenty-four hours, he found a carriage awaiting him; and accompanied by a crowd of admirers with banners and music went to his home. This "procession" committed a very childish and disrespectful act. "Stopping immediately in front of the courtroom [Judge McHenry's], the persons shouted and hurraed in such a way as to utterly interrupt the transaction of public business. An immense concourse of persons was gathered in the streets about, who assisted the general confusion. Within the courtroom order could scarcely be kept. An examination of a witness was going on at the time, which had to be discontinued. The Attorney-General proclaimed . . . the spectacle . . . contemptuous of the civil authority and disgraceful to the country. The judge meanwhile preserved his composure and awaited the result of this extraordinary uproar with dignity and calmness. When the crowd wasted as much breath as was deemed due to a twenty-four hour martyrdom, the procession marched on and the court resumed its allotted task."[81] The *Picayune* went on to make this further observation: "The procession had along with it a showy equipage in which to convey Mr. Soulé, whose humiliation brooked not such

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[78] *Daily Delta*, March 17, 1848.

[79] A Baton Rouge paper reported that the additional amount was given to the Male Orphan Asylum.—*Democratic Advocate*, March 22, 1848.

[80] *Daily Delta*, March 18, 1848.

[81] *Daily Picayune*, quoted in *Baton Rouge Gazette*, March 25, 1848.

exaltation. He trudged it afoot with such heavenly meekness as might win applause from saint and sinner."[82]

Newspapers generally condemned the "parade" but divided on Judge McHenry's handling of the case—according to their political complexion. Of the former the pro-Soulé *Delta* said: "We must express our strong disapprobation of all the parade and procession. . . . Such scenes are not creditable to the taste or the Republicanism of our city. Before the law, Mr. Soulé is no more than any other citizen and although, we think, unnecessarily condemned, yet as he was punished as an individual . . . he should have been allowed to bear himself like any other individual in similar circumstances."[83] Of Judge McHenry it said: "His conduct and judgment are utterly indefensible, whether the object of his wrath be a great or a small man—a Senator or the humblest member of the Bar or community. . . . In a simple matter of contempt, which might have been decided in 5 minutes, he launches out into a regular oration of nearly two hours, into which he introduces a hundred topics having no relation to the matter before him";[84] and again:

> In the ridiculous display of Judge McHenry he took occasion in his long harangue to travel out of his way to impugn the integrity, truth, and independence of the Press, by insinuating that the reports of his senseless altercation with Mr. Soulé, in some of the papers, were *ex parte* and made under the command and influence of Mr. S. . . . We can assure him that there is no member of the fraternity who is capable of such a display of bitterness, of impotent, ridiculous, childish temper and mock dignity as that which converted our First District Court yesterday into the scene of serio-comico farce, in which the Judge himself played the Bombastic Furioso.[85]

The *Democratic Advocate* of Baton Rouge regarded the affair as an "unwarranted assumption of power and tyranny on the part of the Court".[86] Incidentally, a motion was made in the Legislature that the Governor remove the Judge because of his "over-bearing, vindictive, and arbitrary conduct . . . [which] renders him unqualified for the duties of that high office."[87] How-

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[82] *Ibid.*
[83] *Daily Delta*, March 18, 1848.
[84] *Ibid.*
[85] *Ibid.*
[86] *Democratic Advocate*, March 22, 1848.
[87] *Daily Delta*, March 17, 1848.

ever, on the last day of the session, after considerable discussion, the proposal was tabled on the motion of its author. A very different view is presented by the *Picayune:*

> We chanced to be in the courtroom when the difficulty arose . . . and we do not hesitate to say that in this particular instance, the press does injustice to the judge. . . . The manner of Mr. Soulé was disrespectful to the Court to that last degree of offensiveness which we thought a judge in open court should not brook . . . it was a matter of surprise that he forbore to exert the power of the court to punish a contempt as long as he did.[88]

and again; "The whole affair struck us in its inception, progress, and close, as contemptuous of court authority without parallel and without excuse."[89] The *National Intelligencer* said:

> This affair is received as a perfect God-send by a portion of the city press and bids fair to prove a most prolific theme for some time to come. We cannot, however, see anything in the matter to warrant all the to-do that is about it. An attorney is fined and imprisoned for contempt of court . . . and the whole town is instantly in a stew. . . . But, ye gods, for a paltry judge to have the presumption to maintain the dignity of his office when a U. S. Senator chooses to trample upon it, is an unwarranted assumption of power—an infamous outrage—transcendant tyranny. Instead of censure, Judge McHenry deserves praise for the firmness and impartiality he displayed in punishing an insult offered to him in his official capacity by a man who presumed upon his own distinguished position to shield him from the penalty due his insolence.[90]

CHAPTER VI

EVENTS OF 1848-1849

A few months previous to Soulé's sentence for contempt of court, he had been elected United States Senator for the second time—and this, too, was an incident which brought him no credit. The following forecasts show what did take place: "From Louisiana I hear a report that a Locofoco (probably Pierre Soulé or John Slidell) will be elected to the U. S. Senate, in place of Hon. Henry Johnson (sort o' Whig), although there is a Whig majority of two in the Legislature Joint Ballot. I fear this is so. We never yet had a Senator who took two steps forward, then

[88] *Daily Picayune*, quoted in *Baton Rouge Gazette*, March 25, 1848.
[89] *Ibid.*
[90] *National Intelligencer*, quoted in *Baton Rouge Gazette*, March 25, 1848.

one back, who did not defeat both himself, and his party, by it."[1] "We should not be greatly surprised to learn of the election of a democrat. The Louisiana Legislature sometimes contains curious men who have curious ways."[2] "Although the Whigs are in a nominal majority of two, on joint ballots, it is reported that a sufficient number of that party have pledged themselves to vote for a democrat . . . that the choice of Senator will be in the power of democrats."[3] (It should be noted that these rumors were printed, in widely separated newspapers.) An anonymous letter to the Whigs of the Legislature was somewhat more explicit. It reported "that a conversation was overhead between Democrats to the effect they were assured of electing a Democratic Senator. To the author of this letter, this purported information meant that some Whig would be 'sick', 'absent', or 'have conscientious scruples about supporting the Whig nominee. Furthermore it was suggested that in times past money has effected wonders.' "[4]

Naturally public interest in this election was intense. "The whole matter is in doubt, the sanguine of both parties being confident of electing this Senator. Parties have never been so nicely balanced within the minds of the oldest inhabitants."[5] "The town is agog about the election of a U. S. Senator. There are any number of candidates for that office; there are, in fact, so many that the difficulty with the members of the Legislature is which to choose. Col. Hewlett's in the Second Municipality, is the great stamping ground of candidates and electors—members of the Legislature. The latter look wise, dignified, and put on a 'don't care a dam' air; the former are all obsequiousness and smiles."[6]

The subject was first brought up in the Legislature two days after it had convened. "The Senate woke up yesterday [the 19th] from its usual sedate lethargy"[7] on the question of allowing Bell of New Orleans, a Democrat, who had been given a naval position, a vote in the ensuing election. In ironic vein the *Delta* tells us what occured: "Now, honest, common folks to determine this question, would submit it in this plain and direct form. Shall Mr. John M. Bell vote for Senator on Monday next?

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[1] *Baton Rouge Gazette*, Feb. 5, 1848, quoting New York *Tribune*.
[2] *Semi-Weekly Natchez Courier*, Jan. 25, 1848.
[3] *Daily Delta*, Jan. 8, 1848.
[4] Greer, *loc. cit.*, XII, 557.
[5] *Daily Delta*, Jan. 8, 1848.
[6] *Ibid.*, Jan. 16, 1848.
[7] *Ibid.*, Jan. 20, 1848.

But profound men, like Senators, refer the whole matter to a committee, and then the members who don't want Mr. Bell to vote for Senator move to instruct the committee to report on Friday (following the election), while those who consider that Mr. Bell's vote is worth having wished to instruct the committee as soon as possible. . . . The vote was taken, and it was decided by the majority that Mr. Bell should vote for Senator."[8]

Party caucuses in the Legislature were held on January 20. In the Whig gathering, on the first ballot, Benjamin received 25 votes; Kenner, 24; Hunt, 9; and Henry Johnson, 2;[9] on the second, Kenner, 36; Benjamin, 26.[10] Kenner, the nominee, who had been a Democrat,[11] had served as State Representative from Ascension Parish before his present term as Senator from the same constituency.[12] The Democrats pledged themselves to vote for Slidell; but "agreed to take up Soulé after the second ballot if Slidell failed."[13]

Election day, January 24, came. At twenty minutes after twelve, the Senate entered the Hall of the House of Representatives and Lieutenant-Governor Landry took his seat beside Speaker Farrar. Only one legislator was absent—Representative Myles from Washington Parish. "The Hall was densely crowded and anxiety and painful suspense were depicted on many countenances."[14] After Brashear's protest (later filed) of Bell's right to vote had been overruled by the President as a matter to be dealt with by the Senate alone, Senator Adams nominated Kenner and Bell nominated Slidell. The first ballot was called. "Considerable mirth was manifested when Mr. Kenner, upon his name being called, paused a moment and then voted for himself. A great sensation was exhibited when Col. Mansuel White, Senator from Plaquemines [later Slidell's bitter enemy], a democrat, cast his vote for R. C. Nicholas, as his vote, if given to Mr. Slidell, would have elected that gentleman. Mr. Baldwin, Representative from the parish of the Sabine, who has been ranked among the Whigs, voted for Mr. Slidell."[15] Kenner received 64 votes[16] (15 in the Senate and 49 in the House) and

[8] *Ibid.*

[9] Elam had announced his candidacy also but he received no votes.—*Ibid.*, Jan. 9, 1848.

[10] *Ibid.*, Jan. 23, 1848.

[11] "He had recently changed from a democrat to a whig and his zeal was great."—*Daily Picayune*, Sept. 5, 1844.

[12] *Ibid.*

[13] *New Orleans Times*, March 30, 1870.

[14] *Daily Delta*, Jan. 25, 1848.

[15] *Ibid.*

[16] Sixty-five votes were necessary for a majority. There were one hundred and twenty-nine members present.—*Ibid.*

Slidell the same (one more than Kenner in the Senate and one less in the House).[17] The second ballot having brought no change, the Senate returned to its chamber where a motion to investigate Bell's right to vote and three attempts to adjourn failed.[18] As a motion to adjourn had likewise been defeated in the House, the Senate was asked to return and at twenty minutes past two the two Houses reassembled together. "The excitement had now become intense, and it was evident that some great change was about to occur."[19] Soulé was nominated by Bell.[20] Slidell, as a party man, threw his strength to him. (Incidentally, Slidell might have been elected had he courted the Whigs by supporting Taylor.[21]) Five men who had cast their votes against Slidell now supported Soulé: one Democrat, Maunsel White; and four Whigs, Garcia and Parham[22] of the Senate and Bienvenue and Watkins of the House. One Slidell voter (Baldwin) switched to Kenner.[23] Soulé was declared elected as he had been given 68 votes (19 in the Senate and 49 in the House) to Kenner's 61 (13 in the upper house and 48 in the lower).[24] "The result caused a profound sensation among the dense multitude assembled."[25]

Naturally such an outcome was denounced by the Whig press and lauded by the Democratic. One Whig editor wrote, "It would require a more astute Oedipus than him of old to account for the means by which the Democrats have elected a U. S. Senator . . . with a clear Whig majority of two";[26] and again, "We have anticipated such a result for some time. . . . It appears that a Taylor Democrat was preferred by some of them [Whigs] to a Taylor Whig. A reliable sort of fellow, to be sure."[27] The *Bulletin* attacked the traitors bitterly. "As for Isaac A. Myles . . . we think it will be fortunate for his fame, if some accident has removed him from this to a better world, as no less excuse will be satisfaction for his mysterious absence yesterday. . . . Bald-

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[17] Greer, *loc. cit.*, XII, 558.
[18] *Louisiana Senate Journal* (1848), 36.
[19] *Daily Delta*, Jan. 25, 1848.
[20] *Ibid.*
[21] Greer, *loc. cit.*, XII, 557.
[22] That Parham's vote was the one that elected Soulé was charged by the *Bulletin* during the Compromise strife a few years later, and denied by the *Delta* which claimed Soulé had already received enough votes to elect him when Parham's name was called.—*Daily Delta*, July 7, 1852.
[23] *Ibid.*, Jan. 25, 1848.
[24] *Louisiana Senate Journal* (1848), 37. Wagner, editor of a Democratic paper, was elected printer by a vote of 64 to 62.—*Ibid.*, 38.
[25] *Daily Delta*, Jan. 25, 1848.
[26] *Semi-Weekly Natchez Courier*, Jan. 28, 1848.
[27] *Ibid.*, Jan. 21, 1848.

win's voting for Slidell and not Soulé showed that his illegal bargain ended with the former."[28] Slidell's defeat, to the *Daily Crescent*, his bitter opponent, was a just retribution for the Plaquemines frauds.[29] "The Whigs, who were so unfortunate as to have this majority, discovered it was sort of a *Nessian shirt* affair, and one of them remarked that hereafter he should always feel safe in a minority."[30]

The *Daily Delta*, which on January 21 had said, "Often another principle may interfere with this [caucus system]—the duty of a legislator to vote as his constituents plainly wish him to",[31] brought that argument to Baldwin's defense, "He represents a strong Democratic parish and came under pledges we understand to vote for the nominee of the Democratic caucus."[32] When, however, Soulé was nominated, he thought "that he had done his duty by his Democratic constituents and would now give the Whigs the cold comfort of his vote when it was of no use."[33] Mansuel White's action it thus dismissed, "What were Mr. White's reasons for throwing away his vote, we cannot imagine, but we are told his reasons were entirely of a personal or local character."[34] "In justice to Col. White, we should state that he promptly voted for Mr. Soulé."[35] Several days later the editor declared that White opposed caucus candidates and had said he would vote for whomever he wished.[36] Charges of fraud were categorically denied.[37]

Comments on Soulé himself were also elicited by the election. The *Natchez Courier* asserted that Soulé's fancied resemblance to Napoleon was one of form and feature only; "The colossal proportions which marked the career of the one, stamping every act with the impress of genius, finds no counterpart in the other. A volubility, too often mistaken for laborious research and a clear perception of facts; an impassioned style and not ungraceful delivery; an assumption of high bred dignity and an air of magisterial grandeur have been magnified into qualities powerful enough to rouse grave senators; and, by the thunders of resistless elo-

[28] New Orleans *Bulletin*, quoted in *Daily Delta*, Jan. 26, 1848.
[29] McLure, *loc. cit.*, IX, 614.
[30] *Democratic Advocate*, Feb. 2, 1848.
[31] *Daily Delta*, Jan. 21, 1848.
[32] *Ibid.*, Jan. 25, 1848.
[33] *Ibid.*
[34] *Ibid.*
[35] *Ibid.*
[36] *Ibid.*, Jan. 29, 1848.
[37] *Ibid.*, Jan. 26, 1848.

quence, to sway the mighty minds to whom have been intrusted the destinies of the Republic."[38] To the *Delta,* however, "his reputation as an orator . . . [was] coextensive with our Union. His former appearance in the Senate . . . attracted much attention, and gave us great consideration in that august body."[39]

In historical studies we find two other comments on the election. "Slidell opened the shell and Soulé ate the oyster. On the first ballot a Whig was away with two or three negroes; and another voted for Slidell in the weak faint voice of a prejured villain."[40] "Kenner lost to Soulé and Slidell by a Myles' length."[41]

The election controversy centered in the Legislature. The day following the election Parham explained[42] his vote by saying that with Kenner's victory impossible because of Whig dissensions, he voted for Soulé in order to divide the Democrats and defeat Slidell. In addition, Soulé "was much less exceptionable than Mr. Slidell, and moreover a man of the first ability and a true patriot."[43] At first he had expected Kenner's victory as every Whig at the caucus promised to stand by the nominee (the one who was absent, Baldwin, was vouched for by Smith of Natchitoches). However, when it was rumored about an hour before the election that Myles would be absent, he remarked to several senators that as his absence would still leave a Whig majority of one, some other member of that party would change his vote. Not wishing Slidell's election, he requested Col. McWhorter to ask Mansuel White if he would vote for Bullitt if he were nominated on the Whig ticket. White refused. To prevent Slidell's election which was inevitable with White's and Baldwin's support, he told Sigur he would vote for Soulé. After Sigur had agreed, he approached Kenner, saying the only way to prevent Slidell winning would be to divide the Democrats. The Whig nominee demurred—it might be a trick to win Soulé the senatorship. He (Parham) answered that Slidell's friends would not desert him—at that time he (Parham) did not know that anyone else would vote for Soulé. However, he preferred the election of Soulé by

[38] *Semi-Weekly Natchez Courier,* Jan. 28, 1848.
[39] *Daily Delta,* Jan. 25, 1848.
[40] McLure, *loc. cit.,* IX, 614.
[41] Greer, *loc. cit.,* XII, 565.
[42] *Louisiana Senate Journal* (1848), 38. The *Daily Delta,* Jan. 26, 1848, inferred that he spoke the day of the election.
[43] *Daily Delta,* Jan. 26, 1848.

Slidell's defeat than Slidell's triumph by Kenner's defeat. He was surprised at the corruption shown and wanted a thorough investigation.[44]

The *Delta* thus defended Parham; he "preferred Soulé as he was regarded by the Whigs with much less prejudice and hostility than Mr. Slidell, who had been most unjustly and wrongfully saddled with the responsibility of the alleged Plaquemines fraud, of which he was entirely innocent. Mr. Parham participated in this bitter prejudice . . . and desired to defeat him [Slidell] out of zeal for the Whig party. He was tricked in the matter, but his motives, his high character and great service to the Whig party should have protected him from villification."[45] The Whig press excoriated him and the other "traitors". "If he [Kenner] is not a U. S. Senator now in the stead of Pierre Soulé, it is because he was incapable of doing what he considered wrong and in consequence of the treachery of William S. Parham."[46] "Let them remain in the hostile camp, with their names deeply seared upon the memory of every loyal Whig and may the separation be eternal, for, if 'the hand of political resurrection' can ever reach them so deep as to 'rescue' them [which it did; in 1849 Parham received the Whig nomination for State Senator from Madison and Carroll parishes.[47] He was a Democrat by 1852.[48]], then indeed the deepest sinner may well hope for forgiveness."[49] "No party or country is exempt from such a catastrophe as has befallen the Whigs of Louisiana. The great party of the Union was most dolefully Tylerized. . . . Now, let us philosophically contemplate the after fate of the traitors. . . . Does he [Tyler] mete with that respect which everyone attends upon other ex-Presidents? No, he can traverse the whole Union, and not one single testimonial of public respect or of public esteem will greet his wandering footsteps. All parties, sects, and conditions unite in the exclamation: 'There goes the viper that stung the hand that warmed him into existence! There goes the traitor that betrayed confiding friends who invested him with the power to betray, and the echo of his treason falls upon the ear in every direction he may take. Let our contemporaries draw consolation.' "[50]

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[44] *Louisiana Senate Journal* (1848), 38-39.
[45] *Daily Delta*, July 7, 1852.
[46] *Baton Rouge Gazette*, July 17, 1852.
[47] *Weekly Delta*, Sept. 3, 1849.
[48] *Daily True Delta*, Sept. 4, 1852.
[49] *Bulletin*, quoted in *Semi-Weekly Natchez Courier*, Jan. 28, 1848.
[50] *Semi-Weekly Natchez Courier*, Feb. 1, 1848.

Garcia, the next to explain his vote, was a New Orleanian who had come from the "German Coast" in 1844. "So important was he that when the Democrats controlled that body [the Senate] he was made president unanimously."[51] Knowing that two Whigs would vote against their own candidate he decided, like Parham, to vote for Soulé in order to prevent Slidell's election which he considered inevitable on the third ballot.[52] "He respected Mr. Slidell as a gentleman, but he is opposed to him as a politician. With Mr. Soulé he has been in the habits of the closest intimacy for fourteen years, and feelings of regard amounting to a friendship flowing from ties of blood have grown up between them. Yet however strong his feelings might be toward Mr. Soulé still he would not have voted for him if he had not been persuaded that Mr. Kenner's chance of success had been entirely defeated."[53] A Whig newspaper thus commented on this address, "Garcia has defended himself . . . against the caustic remarks of the editor of the *Bulletin* in a speech replete with biting sarcasm and withering invective. Whether the grave editor will ever fully recover from the impetuosity of this attack is yet a question of doubt. . . . Pray Heaven, no desperate means may be devised to cool the burning fever in the blood, which, if we are correctly informed, threatens to consume every vestige of poor 'Grandfather Whitehead.' "[54]

In the House Watkins, another Whig "traitor", made much the same defense of his vote as had Garcia and Parham in the Senate.[55]

The bitterness engendered by the election led to a fight on the floor of the Senate. (A Natchez paper carried this news; however, no mention of it is made in the *Senate Journal.*) "It happens that Messrs. Parham and Martin had some sharp conversation, from which they descended to the application of coarse and vulgar epithets to each other, and then to blows. They were separated, after considerable difficulty, after which the Senate proceeded to business. It is supposed that the matter will not end here, but that 'coffee for four and pistols for two' will be in requisition. It is generally inferred that the recontre grew out of mottoes connected with the election of Soulé, democrat."[56]

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[51] *Daily Picayune*, Sept. 3, 1844.
[52] *Daily Delta*, Jan. 26, 1848.
[53] *Louisiana Senate Journal* (1848), 40.
[54] *Semi-Weekly Natchez Courrier*, Feb. 4, 1848.
[55] *Daily Delta*, Jan. 27, 1848.
[56] *Semi-Weekly Natchez Courier*, Feb. 1, 1848.

In the House on the 25th Jones openly accused the absent Myles of fraud, stating that in a conversation with Myles several days previously (the 22nd) Myles had said an offer had been made to him to be absent on the election day—and four negroes were suggested as "a consideration for his acquiescence. . . ." His resolution for a committee to inquire into the matter was seconded by a Democrat. (Members of that party generally disclaimed any knowledge of trickery or treachery.)[57] This proposal having been agreed to, Moise, Larue, Duncan, and Wilder were appointed as the Investigation Committee.[58]

Myles returned the next day. Concerning his arrival the *Delta* commented: "His numerous friends will, no doubt, feel greatly relieved. On Monday . . . he was miles away, but soon returned in consequence of the facilities of transportation afforded by the improvements of the times . . . from his appearance we should judge he was about the last man in the Legislature to be bought for four negroes, or any other article of value. We think the worthy member will *prove a real soldier* yet, before they are done with him."[59]

The maxim, "He who lives in a glass house must not throw stones," was aptly illustrated by the next development—the accuser became the accused. Dr. Jones, summoned before the committee appointed to sift his charges, found himself listening to this recital by a witness:

> A few days before the election . . . he [Jones] went to the gentleman who was considered the choice of the democratic party, and told him he was no great shakes of a whig anyhow—that he was too liberal for his party—that his parish, he believed, was democratic—that he would not on any terms vote for one of the persons spoken of as the probable candidates of the whigs—that he was poor and sickly, and his health would be benefitted and his life prolonged by a visit to Cuba. The gentleman to whom these doleful complaints were made . . . deeply sympathized in his distress and misfortune, but . . . he did not bite very eagerly at the tempting bait. . . . Just before the meeting of the Myles Committee, Dr. Jones . . . was reminded of what had occured and frankly acknowledged the truth of the whole relation.[60]

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[57] Greer, *loc. cit.*, XII, 558. In this account it is erroneously stated that the accusation was made on the day of the election.

[58] *Daily Delta*, Jan. 26, 1848.

[59] *Ibid.*, Jan. 27, 1848.

[60] *Ibid.*, Feb. 2, 1848.

That Jones, and not Myles, be inculpated by the action of the committee, was, however, objected to by the majority as irregular. "The minority reported to the House . . . [February 1] for instruction as to the admissibility and relevancy of the statement of Dr. Jones, referring to his own case, rather than to that of Dr. Myles"[61]—the matter was postponed, however. Over a week later (the 9th), by which time interest was waning,[62] this resolution was adopted: "That the House of Representatives not regard any member of the House as charged with any offence—nor any person, not a member of the House, as having committed a breach of its privileges; and that the special committee are charged with an inquiry only as to whether such a breach has been committed—and that they may examine all persons on the subject matter of said inquiry."[63] The Committee spent days in secret sessions[64] questioning witnesses, especially Myles and Jones, both of whom had employed counsel (the former, Prentiss; the latter, Grymes).[65] Jones testified that he made his proposal to Slidell "to see if he were that sort of man."[66] The *Delta*, at first a cynical observer, now makes light of the whole affair:

> No person credits for a moment the suspicion that either of the honorable gentlemen referred to would sell his vote for four negroes or for the travelling expenses to the Arkansas springs, but, still, as the whole matter is decidedly rich, and possesses the features of a very broad and amusing farce, we trust it will be fully brought out and presented in all its parts to the public. While on this subject, we should state that we have seen Dr. Jones's certificate, showing very clearly that the Doctor, in his insinuating attentions to the democratic candidate, was only engaged in a little experimental philosophy, to test the virtues and integrity of the gentleman referred to, and that nothing was further from his purpose than to make any really improper overtures.[67]

It branded as caluminous an editorial of *La Patria*, a Spanish newspaper of New Orleans, declaring that it was Dr. Jones himself who offered to buy Myles's vote.[68] Its comparison of Myles

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[61] *Ibid.*
[62] *Semi-Weekly Natchez Courier*, Feb. 8, 1848.
[63] *Daily Delta*, Feb. 10, 1848. For thus limiting the investigation and also forbidding reporters to publish proceedings of the Senate, the committee was condemned by the *Delta*.—*Daily Delta*, Feb. 18, 1848.
[64] *Ibid.*
[65] *Ibid.*, Feb. 27, 1848.
[66] *Ibid.*, March 11, 1848.
[67] *Ibid.*, Feb. 10, 1848.
[68] *Ibid.*, Feb. 17, 1848.

and Jones as witnesses might be noted also: "Dr. M., it is said, is very much of the *not sure* style of witness; while Dr. J. is as frank and clean breasted in his testimony as a rustic. Dr. M. has no recollection of being at that particular place, or making that particular remark, which Dr. J. very particularly remembers and describes. As to the four negroes, Dr. M. has no distinct recollection; but if he ever did say that those valuable articles were tendered to him . . . he was only imitating his brother from Jefferson, by running a small saw on that facetious lover of practical jokes."[69]

Another version of Myles's absence was divulged to the committee. Thomas Green Davidson testified

> . . . that previous to the day of the general election for members of the Legislature, he had a conference with Dr. Myles in which he (Davidson) promised not to interfere in his election, they being strong personal friends, provided he would vote for his friend to the U. S. Senate. This Myles promised to do and gave his solemn pledge to that effect. When the Legislature met, he (Davidson) saw Myles here, and hearing doubts as to his position, held frequent conversation with him, to the end of discovering his real views. He knew the old man was accessible to flattery, and was afraid he would fly the track. He saw Myles and Jones go to the Whig caucus together. Consequently he (Davidson) called on Dr. Myles, on the day of the election, told him of the stories and doubts circulated about him, and of his wish to know what he intended to do and what he (Davidson) had to expect, that he [Myles] could never speak to him again and vote for the whig candidate for Senator, alluded to the solemn pledge Myles had given him. He (Myles) seemed very much distressed—said he had got himself in a false position, and wished he were dead and all that sort of thing; in reply to which he (Davidson) told him there was no use talking that way, and that he had better do one thing or another. 'Well,' says Dr. Myles, 'I suppose if I absent myself you will be satisfied,' to which he (Davidson) replied he would.[70]

Another witness, Staples, averred that Myles, though denying to him that he had been bribed, had declared that Col. Farrar, the Speaker, had offered to place him on any committee on which he might wish to serve.[71] Farrar denied any ulterior motive in making that statement.[72] It was brought out by Penn that after

[69] *Ibid.*, Feb. 27, 1848.
[70] *Ibid.*, March 5, 1848.
[71] *Ibid.*
[72] *Ibid.*, March 7, 1848.

Dr. Jones' charges had been made, Moise, Penn, and he decided that the matter should be investigated, and that Moise should move for an investigating committee of five—four Whigs and one Democrat (which he, Penn, had hoped would be himself).[73] Moise's statement differed somewhat—the call for an investigation was decided by Slidell and himself, Penn not being notified until later.[74]

The committee reported on March 7 "that they have confined themselves to the above-mentioned resolution, the exclusive object of which was to ascertain whether any breach of the privileges of the House had been committed by any person. The nature of the evidence which has been laid before the Committee prevents them from reporting any actual breach. . . . The disclosures, however, which have resulted from the evidence, are entitled to the serious consideration of the House. Your Committee, therefore, recommends the printing of a hundred copies of said evidence."[75] The chairman of the committee made a rather strange pronouncement—offers of the same type had been made to others in the House, as well as to Myles, and were considered as "perfectly in accordance with parliamentary usage".[76] The last night of the session was devoted, as usual, to skits upon legislative happenings—and among them was this one, "And the Myles committee, as all believe in this city, are clearly no small potatoes."[77] "Finis" was written for the investigation.

This election had a very decided effect upon Soulé's later political career—for, although Slidell, as a party man, supported him at this time, "henceforth he was the determined and implacable foeman of Soulé for control of Louisiana".[78] Let us contrast the two men: "Pierre Soulé . . . was Slidell's chief rival, a man of captivating address and impetuous oratory, but without judgment and that comprehensive knowledge of human character which was the source of Slidell's strength."[79] "Slidell was not a match for Soulé, in brilliancy of wit, in eloquence, in charm of manner. He was, however, one of the most consummate political organizers in Louisiana and had behind him a competent State machine which was destined to sweep Louisiana

[73] *Ibid.*, March 5, 1848.
[74] *Ibid.*, March 7, 1848.
[75] *Ibid.*, March 8, 1848.
[76] Greer, *loc. cit.*, XII, 558.
[77] *Daily Delta*, March 18, 1848.
[78] Sears, "Slidell and Buchanan", *loc. cit.*, XXVII, 718.
[79] *Biographical and Historical Memoirs of Louisiana*, I, 56.

into the secession movement."[80] This is not the place to more than mention the varying fortunes of the two during the '50's. Slidell took little share in the compromise battle of Soulé and Downs. Soulé's fiasco as Minister to Spain was followed by his losing struggle with Slidell for control of Louisiana—a struggle marked with increasing bitterness, climaxed by the election riots of 1858. A word as to the climax of this rivalry. Though regarded by many Southerners with suspicion because he was a New Yorker, and friend of Buchanan, Slidell was an ardent Democrat and strove to prevent the party split in the Charleston Convention. When, however, it made its decision he felt, as did Toombs, Davis, and other influential Southerners, that he must support Breckenridge. "On the other hand, Soulé and his partisans declared for Douglas,[81] as the true exponent of democratic tradition. They criticized with the bitterness which characterized all political discussion the sectionalism of those who, as they conceived, were hurrying the country to a terrible catastrophe. . . . It may be questioned whether Louisiana as a whole favored secession; New Orleans came into the movement reluctantly, as though with a premonition that it meant for her disaster."[82]

During the summer and fall of this year Soulé campaigned for the Democratic presidential candidates, Cass and Butler; though two years later he repudiated their doctrine of "squatter sovereignty".[83] As Yancey's report[84] made at the nomination convention at Baltimore represented the position Soulé was to hold in 1850,[85] it should be noted in detail.

> Believing that the success of the Democrat party will depend solely upon the truth or untruth of the principles avowed by this Convention and by the nominee thereof, the undersigned cannot give their assent to the report of the majority. The nominee of this Convention is understood to entertain the opinion that Congress has no right to interfere with the question of Slavery in the Territories, but that the people inhabiting a Territory have the exclusive right to exclude it therefrom. The majority of your Committee have only adopted the principle as far as applicable to the

[80] John Smith Kendall, *History of New Orleans* (Chicago, 1922), I, 226. There are other references to Slidell as a "machine politician": *Biographical and Historical Memoirs of Louisiana*, I, 50; Kendall, "Review of New Books: Sears' *John Slidell*," *loc. cit.*, IX, 599.

[81] Soulé wanted Douglas to be the Democratic presidential nominee in 1852.

[82] Kendall, *op. cit.*, I, 227.

[83] This theory was characterized by a Southern historian as a "monstrous falsehood and political absurdity."—Greg, *op. cit.*, II, 45.

[84] It was not adopted.

[85] Yancey realized by 1848 the inevitable end of slavery; Soulé, by 1850; and the majority of the South by 1852-1860.

> States, and have refused . . . to express any opinion upon what is really the most exciting and important political topic before the country [the right to take slaves into the territories], leaving the people to find . . . [the answer] in the avowed opinion of their nominee. . . . This course we conceive to be fundamentally wrong. . . . With them [opponents of slavery extension] opposition to the South on this point is purely a question of moral and political ethics. Far different is it with the South. They own the property which the success of this principle will prevent them from carrying with them to the Territories. They have a common right in these Territories, from which they are to be excluded, unless they choose to go there without their property. . . . They own, in common with their brethren of the North, these Territories, which are to be held by the Federal Government, as a trustee, for common uses and common purposes. If therefore, you refuse to meet the issue made upon the slaveholders by a part of the non-slaveholding states, and permit the heretofore expressed opinion of your nominee to stand impliedly as the opinion of this Conveniton, you pronounce, in substance, against the political equality of the people . . . against the rights of one-half of the people of the Union to extend those institutions which the Fathers of the Constitution recognized as fundamental in the framing of the Articles of Union and upon which rests the great and leading principles upon which taxation and political power is based . . . that the doctrine of non-interference with the rights of property of any portion of the people of this Confederation, be it in the States or in the Territories, by any other than the parties interested in them, is the true republican doctrine recognized by this body.[86]

(In contrast with this Southern extremist view was that of Van Buren and his New York delegation who, refusing to accept the rejection of the Wilmot Proviso, "bolted" the Convention.)[87]

But 1850 had not yet come[88] and the Democrats of Louisiana generally supported Cass. The state meeting for ratification of the action of the convention was held in the Ball Room of the St. Louis Hotel on June 8. It was not as enthusiastic as had been expected, many leaving before the assembly was half over. Gayarré, the presiding officer, after a short address announced that Douglas would speak. Douglas, who was escorted to the platform by Soulé[89] made "a long and very able speech, which

[86] *Daily Delta*, June 4, 1848.

[87] Kent, *op. cit.*, 156.

[88] The reason for the change is not difficult to discover. "Squatter sovereignty" proved a boomerang to the South when California refused to permit slavery.

[89] Soulé supported him against the Southern "bolters" in the Charleston Convention of 1860, thus placing himself in opposition to secession.

was highly applauded. Soulé was called upon next and he spoke in French, expressing his warm approbation of the nominees and his sanguine expectations of a glorious triumph in November."[90] This bombastic extract from his speech was printed:

> For myself, gentlemen, my heart bounded with joy in observing the part which Louisiana assumed and maintained in the solemn vote which resulted in the selection of two names so eminently popular and so justly venerated as the choice and preference of our party. . . . Where can be found a lustre more pure and well earned than that which radiates around their names? Energy, strength, courage, talent, patriotism, the statesman and the hero, the indefatigable guardian of our rights and our honor at home, the intrepid champion of our glory abroad. All these qualities are expressed in three little words—Cass and Butler. In reality, they do not borrow their energetic vitality either from the splendor or magic of a great name, but from their own native vigor, from the rich and powerful nutriment of the doctrines upon which they are founded, from the active and nervous truth of the faith which they inculcate. . . . Tenets of faith can only preserve their existence and their fecundity so long as they are kept isolated from every sordid interest, from any transitory combination. . . . Tell me what organization, what system could survive, if personal ambition had the right to launch forth its veto against everything done without its approbation? Our strength is altogether in the end which we pursue and in the admirable harmony wherewith, imposing self-denial upon ourselves and our brethren, we all know how to devote ourselves to the work, so as to secure the victory.[91]

He closed with a picture of the calamities that would follow a Whig victory. After several other speeches had been made, resolutions approving the nominees and also the conduct of the Mexican War were passed. Several weeks later Butler, the Democratic Vice-Presidential nominee, came to New Orleans. In the parade celebrating his coming, Soulé, Gayarré, and Governor Johnson rode in Butler's carriage.[92] The apathy displayed at this meeting continued as the campaign proceeded—one Democrat ascribing it to "long speeches and to those made in French when 'everybody understands English'."[93]

During the next few months Soulé toured the state—just as his friends Sigur, Larue, and his opponents, Benjamin, Hunt, and

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[90] *Daily Delta*, June 9, 1848.
[91] *Ibid.*, June 11, 1848.
[92] *Ibid.*, July 2, 1848.
[93] *Ibid.*

S. S. Prentiss were doing.[94] His first trip, however, ended abruptly. "Soulé, Larue, Judge Dunlop and others left on the steamer Luna for Baton Rouge July 17th to attend a party meeting, but they never reached their destination. . . . While passing Kenner's plantation, 20 miles above New Orleans, they heard a crash, a smash, a sudden clanging of bells, halloing of officers, and a letting off of steam—and the boat came to a sudden stop. The captain told them that a flywheel had been broken and they must return to New Orleans. The news was received with infinite disgust. S. looked as dark as a tornado. They returned on the steamer Hecla."[95] At Donaldsonville, he met Kenner, his late opponent for United States Senator, in a debate which the *Baton Rouge Gazette* declared gave the latter a reputation as one of the best debaters of the state.[96] The Bayou Goula meeting on August 12 at which Soulé spoke twice—once in French and once in English—to two thousand persons was quite a celebration—speeches, barbecue dinner, and a ball.[97] After returning to New Orleans, he left on the 11th for Shreveport, Opelousas, and the Attakapas country (the last a Whig stronghold),[98] to return again on September 4.[99]

Apropos of these campaign activities was this skit: "Why is I like Massa Soulé, Bill?" asked one negro of another, as he snatched the "segar" which his friend had been smoking from his mouth and placed it in his own. " 'Cause I'se taken the stump."[100]

Two announcements of political meetings in September in and around New Orleans reveal Soulé's prominence as a campaign speaker: "The Democrats of Gretna, Mechanics Village, Freetown, and the Parish of Jefferson generally will assemble at Gretna Hall, on Sunday, Sept. 17th, at half-past twelve o'clock to organize for the reception of Hon. Pierre Soulé who will commence addressing the meeting at 1 o'clock P. M. precisely. Other able speakers will be present and follow that distinguished orator in the great and abiding cause of Democracy."[101] "The Carrollton Cass and Butler Club, meeting Sept. 23, passed unanimously a

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[94] Greer, *loc. cit.*, XII, 560.
[95] *Daily Delta*, July 19, 1848.
[96] *Baton Rouge Gazette*, Jan. 17, 1852.
[97] *Daily Delta*, Aug. 17, 1848.
[98] *Ibid.*, Aug. 18, 1848.
[99] *Ibid.*, Sept. 5, 1848.
[100] *Ibid.*, Sept. 23, 1848.
[101] *Ibid.*, Sept. 17, 1848.

resolution instructing the President of the meeting to appoint three members to ask Soulé to speak to the Democrats of Jefferson Parish at Kenner's Ball Room at Carrollton on Sept. 29."[102] By the latter date, however, Soulé again had left New Orleans, and we next hear of him in the central part of the state. "Soulé, Preston, and Benjamin have all been hard at work illustrating the principles of their respective parties in this section; and it is rumored that they will come together at Marksville to-day [October 18]. It is certain that all three are in the parish of Avoyelles. . . . On the subject of the approaching election Opelousas is as unexcitable as a block of wood—a majority of the Whigs thinking their cause is bound to succeed."[103]

As election day drew near, political clubs in New Orleans met nightly—and here, too, Soulé, who had once more returned, was in demand. He was called for at a meeting of the Chalmette Guards on November 3 after their torchlight procession. He was not present, but he did address the same organization on their visit to St. Bernard Parish. Here also, two nights later, there was a supper and ball.[104] These meetings, however, were not all of a peaceful character. "The Democratic procession the Saturday night before the election engaged in a brawl with Taylor onlookers and arms were used. Some of the Democrats were wounded and a coffee house burned."[105]

Let us pause to note what arguments the "spell-binders" used.

> According to the orators of the Democrats the essential difference between the parties was that the Democratic party represented progress and the Whig party preferred to hold to present evils rather than to try the dangers of reform and experiment. The motto of one, they stated, was "go ahead"; of the other, "stability". An additional argument used by some of the Democratic orators in the rural districts was that one of the aims of Democracy was to protect labor against the combination of the wealthy. . . . The Whig party's chief aim and purpose was to accumulate wealth.[106]

The concluding days of the campaign found them complaining that the Whigs had abandoned old issues for appeals to sectionalism and military worship.[107] The Wilmot Proviso and

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[102] *Ibid.*, Sept. 26, 1848.
[103] *Daily Crescent*, Oct. 26, 1848.
[104] *Weekly Delta*, Nov. 6, 1848. The *Daily Crescent*, Oct. 27, reported he would be present.
[105] Greer, *loc. cit.*, XII, 562.
[106] *Ibid.*, XII, 567-568.
[107] *Ibid.*, XII, 562-563.

non-intervention were not party issues as both sides tried to make their candidates appear right on the Southern question and their opponents Free Soilers. The Whigs lauded Taylor and defended Fillmore, who was less popular in the South. Both denounced the Proviso.[108]

The Whigs carried the election by a very close margin. Taylor was given a majority in Orleans Parish of 972 out of 9,930 votes and in the state of 2,847 out of 33,587.[109] Two factors favored him—that he was a "native son" and that he had the support of many of the richest planters.[110] Taylor's popular vote throughout the country was 1,360,101; Cass's 1,220,544; and Van Buren's 291,263.[111] Refusal to support the Wilmot Proviso cost Cass New York State and consequently the election—for Van Buren's Free Soil Party organized to press this proposal split the vote of that important state.[112]

Not only did the role the Proviso played in the election of 1848 show the inexorable approach of the events of 1861, but also the proceedings of the Congressional sessions of 1847 to 1849. Polk, in his annual message in December, 1847, demanded, since Mexico had refused to accept the terms offered, the prosecution of the war and acquisition of their territory to meet American claims[113]—this, in spite of determined opposition in and out of Congress.[114] He was supported in the Senate by Dickinson, who praised the "manifest destiny" idea and declared it would be to Mexico's advantage to be under our rule. As for domestic problems, Congress should deal with them.[115] Yulee's motion that the territory to be obtained should be the common property of all the states was countered by that of Bayley (and later Baldwin) who said that slavery should be prohibited.[116] Of this latter proposal Cass wrote: "The Wilmot Proviso will not pass the Senate. It would be death to the war, death to all hopes of getting an acre of territory, death to the administration, and death to the Democratic party."[117] Clayton considered annexation as spelling the

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[108] Mary E. W. Prichard, "Louisiana and the Compromise of 1850" (Master's Thesis, in Louisiana State University Library, Baton Rouge, 1929), 9-15.
[109] Greer, *loc. cit.*, XII, 563.
[110] Prichard, *op. cit.*, 17.
[111] William Cullen Bryant, Sidney Howard Gay, and Noah Brooks, eds., *Scribner's Popular History of the United States* (New York, 1896), IV, 386.
[112] Kent, *op. cit.*, 156.
[113] McMaster, *op. cit.*, VII, 497.
[114] *Ibid.*, VII, 499.
[115] *Ibid.*, VII, 500-502.
[116] *Ibid.*, VII, 502-504.
[117] *Daily Crescent*, Sept. 11, 1848.

downfall of American institutions while Webster pleaded for slavery restriction. One proposal made was that New Mexico should be added to Texas and that California should be admitted as a free state.[118] In the House, too, many resolutions both for and against slavery were presented.[119]

This vexing issue was injected into another pending question in the Senate—that of the organization of the territorial government in Oregon—by Hale's amendment (in May) to prohibit slavery there, which precipitated a bitter attack by Southern members. Calhoun argued that the Constitution, not Congress, controlled the territories, and that the Constitution, by implication, recognized slavery.[120] Incidentally, he had vainly striven to insert into the treaty with Mexico (signed in February)[121] a clause that the existing prohibition of slavery in the ceded territory was void "not because slavery could ever be established there, but because it would admit the right of Congress or territorial legislature to prohibit slavery."[122] Dix contended Congress did not have such power.[123] It was Berrien's claim that "with slaves shut out of territories and an anti-slavery wall surrounding the South, their homes and plantations would have to be abandoned."[124] However, to one New Orleans newspaper, this debate was "worse than useless. . . . There is no telling whether the whole white population of Oregon may not be murdered by savages, while the Senate is debating on the questing of prohibiting slavery in a region it can never approach."[125] On Clayton's motion the entire question of territorial governments for California, New Mexico, and Oregon was referred to a committee of eight. Concerning that proceeding, the *Daily Delta* says, "To this conciliating committee the friends of public tranquility and the stability of the Union look with confidence for such compromise and sound recommendations as will tend to a satisfactory and final adjustment of the slavery question."[126] And such was badly needed, if we are to believe this editorial, "The whole country has been for months past thrown into excitement as to whether slavery should be tolerated or not in these newly acquired and extensive terri-

[118] McMaster, *op. cit.*, VII, 503; *Daily Delta*, July 19, 1848.
[119] McMaster, *op. cit.*, VII, 504.
[120] Rhodes, *op. cit.*, I, 94.
[121] *Ibid.*, I, 92.
[122] McMaster, *op. cit.*, VII, 528-529.
[123] *Ibid.*, VII, 530.
[124] *Ibid.*, VII, 531.
[125] *Daily Delta*, July 6, 1848.
[126] *Ibid.*, July 23, 1848.

tories. Parties have been formed having no other substantial basis to stand upon than that afforded by this question—and there has been talk of dissolving the Union."[127] Another paper states, "Both sides talk of the dissolution of the Union in their speeches, with perfect composure."[128]

The Committee reported a bill giving complete territorial government to Oregon with representation in Congress, the existing laws to remain until the first meeting of the legislature which should decide the status of slavery; and giving the legislative prerogatives over California and New Mexico to a Governor, Secretary, and Supreme Court Judges; slavery to be dealt with, not by the legislature, but by the Supreme Court.[129] The Senate passed it on July 27 after a twenty-one hour session by a vote of 33 to 22,[130] But the House laid it on the table— an action denounced by the Southern press and a portion of the Northern. Other Northern journals commended it, one stating that slavery could not exist without a law allowing it.[131] The House thereupon sent the Oregon bill to the Senate which added a provision extending the Missouri Compromise line to the Pacific. However, on the refusal of the House to concur, it was dropped. Polk signed the bill, because the territory was north of 36°30′. A last minute attempt by Southern members to call a protest meeting failed.[132]

Proceedings such as these, showing the evident determination of the North to exclude slavery from the new territories, aroused some Southerners to a demand for secession. One of these "fire eaters", LeSene of Mobile, in his letters claimed Soulé as a convert and represented him as looking to Calhoun for advice in the matter. LeSene wrote to Calhoun, August 21, 1847, that many Washington people thought secession was near. "And Mr. Soulé, of New Orleans, whom I met here the other day, thinks we had better wait the opening of Congress and be governed in regard to this project by what we find to be the state of things then existing . . . I think Soulé is a little shy, but still he is a warm friend of our cause."[133] He wrote again three days later, "I have again met Mr. Soulé who repeated what fell from

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[127] *Daily Crescent*, Sept. 22, 1848.
[128] *Ibid.*, July 20, 1848.
[129] McMaster, *op. cit.*, VII, 532.
[130] *Ibid.*
[131] *Ibid.*, VII, 533.
[132] *Ibid.*, VII, 534.
[133] Chauncey S. Boucher and Robert P. Brooks, eds., "Correspondence Addressed to John C. Calhoun, 1837-1849," in American Historical Association *Annual Report*, 1929, pp. 392-393.

him in our last interview and added again that 'no public man ever occupied so high commanding and difficult a position as yourself—that if by the meeting of the next Congress the war was not terminated the elevation and peculiarity of that position would be still further augmented, and that he thought that both parties would be compelled to look at you as a counsellor and guide', and in conclusion that 'all that he desired was that either in word or act you would show yourself in the least degree a partizan.' I answered that on that point he might make himself easy. He has great confidence in you, but is more reserved and cautious than when he first reached home."[134]

Polk, in his annual message in December, 1848, counselling Congress to provide promptly territorial governments for New Mexico and California and not to allow the question of slavery to disrupt the Union,[135] suggested three means of settling the problem: leave the question to the people of the territories, extend the Missouri Compromise line to the Pacific,[136] or leave the matter to the decision of the Supreme Court.[137] The passage of one of the many anti-slavery resolutions introduced,[138] though later reconsidered and defeated, so alarmed the Southern representatives that they held a caucus on December 22.[139] There has been some dispute as to who was the prime mover of this meeting. Calhoun is usually given this credit; but Butler declared in the United States Senate in 1850 that it was not Calhoun, but Davis, Hunter, and Turney;[140] and Foote, in a letter to Wise defending the Southern address from Benton's attack, said it had been himself.[141] According to U. B. Phillips, the meeting had been suggested as early as August 21, 1847, in a letter written by Holmes, a South Carolina congressman, to Howell Cobb, because the Southern Democrats feared a defection of the Northern wing of the party.[142]

At this caucus on December 24, resolutions upholding states' rights were referred to a committee composed of Stephens, Clay-

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[134] J. Franklin Jameson, ed., "Correspondence of John C. Calhoun," in American Historical Association *Annual Report*, 1899, II, 1131.

[135] McMaster, *op. cit.*, VIII, 2-3.

[136] This was the proposal favored by Soulé and other Southern Senators in 1850 in order to prevent the admission of California as a free state.

[137] Rhodes, *op. cit.*, I, 97. Fite points out that Polk suggested neither extremist view, Wilmot Proviso nor Calhoun's doctrine, that slavery must be allowed in the territories. David Emerson Fite, *History of the United States* (New York, 1926), 317.

[138] *Weekly Delta*, Jan. 1, 1849.

[139] U. B. Phillips, *Life of Robert Toombs* (New York, 1913), 60.

[140] *Daily Picayune*, Feb. 20, 1850.

[141] *Weekly Delta*, July 9, 1849.

[142] Phillips, *op. cit.*, 59.

ton, Chapman, Bayley, Venable, Calhoun, King, Foote, Downs, Morehead, Gentry, Atchinson, Borland, and Rust.[143] On January 1 these appointed a sub-committee of Calhoun, Clayton, Bayley, Moreland, and King.[144] These adopted Calhoun's address. The Address "denied the power of Congress to exclude slavery from California and the other new Territories. Nor did it stop here, for it denied the power of the legislatures or inhabitants of the Territories to exclude it. The South was to hold no connection with any party at the North not prepared to enforce the Constitutional guarantees in favor of the South. Among the failures of the North to do this, was named the neglect to enforce the old Fugitive-Slave Law."[145] "It concludes by urging unity among slaveholding states, the want of which has produced the present deplorable events, and it calls on them to be immovable in defence of their rights, regardless of the consequences. The address contends that the slave-holding States would be justified in repelling blows so dangerous to their rights, and that abolitionists would be responsible for all the evils that would follow."[146] These resolutions were favored by the *Picayune* as "perhaps the wisest course";[147] but they were opposed by the *Crescent*[148] and the *National Intelligencer*, the latter *claiming* that the Prigg vs. Penn Case had absolved the Northern states from blame for repealing laws to aid the recapture of fugitive slaves.[149] This attempt on the part of Southern legislators to present an undivided front, however, failed, as only forty-eight signed the Address.[150]

Douglas' bill (introduced December 11)[151] for the admission of California and New Mexico as one state, with two Senators, two Representatives, and six judicial districts, was unfavorably reported on January 3 by the Judiciary Committee on the ground that Congress had no right to create a state.[152] Downs, however, brought in a minority report on the 15th that the bill was not unconstitutional.[153] Douglas' attempt to have a substitute bill passed likewise was defeated.[154] Resolutions for and against

[143] *Daily Picayune*, Jan. 3, 1849.
[144] *Ibid.*, Jan. 4, 1849.
[145] Bryant, Gay, and Brooks, *op. cit.*, IV, 386.
[146] *Weekly Delta*, Feb. 3, 1849.
[147] *Daily Picayune*, Jan. 3, 1849.
[148] *Daily Crescent*, Aug. 11, 1849.
[149] *National Intelligencer*, Feb. 9, 1850.
[150] McMaster, *op. cit.*, VIII, 4.
[151] *Weekly Delta*, Dec. 25, 1848.
[152] *Daily Picayune*, Jan. 13, 1849.
[153] *Ibid.*, Jan. 24, 1849.
[154] *Daily Crescent*, Feb. 26, 1849.

slavery continued to pour in.[155] A proposal in the form of an amendment to the Civil and Diplomatic Bill, extending the Constitution to the territories, precipitated a spirited debate between Calhoun and Webster. The former supported the plans; while the latter opposed, claiming that territorial regulations had often been repugnant to the Constitution,[156] favoring, instead, a continuation of military government.[157] The Senate passed the amendment, but receded when the House refused to concur. Thus no provision was made for the government of the territories obtained from Mexico—however, at the last minute revenue laws were extended over upper California.[158]

This sketch shows how completely the slavery issue had dominated Congress—"It appears to be brought into every matter that becomes a subject of debate"[159]—and hindered it. "Congress has acted in the last session for all the world like little children. Nothing has been done until the last moment."[160] Not only in Congress, but out of it, bitter antagonism flared. The legislatures of New Hampshire, New York, Wisconsin, and Massachusetts passed resolutions favoring the Wilmot Proviso;[161] the governors of Ohio, Michigan, and Massachusetts publicly approved it.[162] Such sentiments, the *Picayune* warned its readers, sprang not from a spirit of wanton aggression but from firm conviction.[163] On the other hand, the governor and legislature of South Carolina declared the Proviso must be resisted at any cost:[164] a convention assembling at Columbia in the same state on May 14 approved the Southern Address and called on the governor to summon a special session of the Legislature if the Wilmot Proviso were passed.[165] The Alabama Legislature passed resolutions recalling their Congressional representatives under the same condition.[166] Other Southerners, however, were more moderate: Atchinson[167] and Houston,[168] while opposing the Proviso, scoffed at the idea of disunion.

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[155] *Daily Picayune*, Jan. 31, 1849.
[156] McMaster, *op. cit.*, VIII, 5-7.
[157] Henry Cabot Lodge, *Daniel Webster* (New York, 1899), 297.
[158] McMaster, *op. cit.*, VIII, 7.
[159] *Daily Crescent*, March 5, 1849.
[160] *Ibid.*, March 14, 1849.
[161] *Ibid.*, March 22, 1849.
[162] McMaster, *op. cit.*, VIII, 4-5.
[163] *Daily Picayune*, Feb. 4, 1849.
[164] McMaster, *op. cit.*, VIII, 1.
[165] *Daily Crescent*, May 22, 1849.
[166] *Ibid.*, Dec. 28, 1849.
[167] *St. Louis Republican*, June 29, 1849, quoted in *Daily Crescent*, July 14, 1849.
[168] *Daily Crescent*, March 14, 1849.

Let us notice expressions on the subject from the Democrats of Louisiana. Their State Convention, which convened in Baton Rouge in May, resolved that "the Democracy of Louisiana is opposed to the Wilmot Proviso and kindred measures by which the rights and interests of one portion of the Union would be sacrificed to the unjust demand of the others."[169] Governor Isaac Johnson said:

> Non-interference by Congress with the slavery question is the surest means of preserving the Union and that doctrine should be insisted on with an unflinching resolution, never to surrender it. To any proposition, therefore, to compromise that doctrine, the South, with its bitter and humiliating experience of the past before her, will turn a deaf ear. Submission to incipient oppression prepares men for the yoke and compromise on this question is nothing else than anti-slavery victories. The repeated, galling, and unprovoked agressions of anti-slavery men leave no room to anticipate a cessation of hostilities and the South has been sufficiently warned that, if it is wise to hope for the best, it is equally prudent to prepare for the worst. It is far better to be lawless than to live under lawless rule.[170]

Defiant as that statement is, still more so is that of Governor Joseph Walker in his inaugural address:

> Situated as we are, I think we owe it to ourselves, to our sister States of the South, and to our Northern brethren, to declare that if unhappily the anti-slavery agitation, which has so long been allowed to insult our feelings, should be carried to the point of aggression upon our rights; if the equality between all the members of the Confederacy, established and guaranteed by the Constitution, should be destroyed or attacked by the action of the General Government, then we are prepared to make common cause, with our neighbors of the slaveholding states; and pronounce the Union at an end. For myself, I do not hesitate to say that I shall look upon a dissolution of the Union as the greatest calamity that can befall us; but, that, great as that calamity will be, I am certain there is no one of our citizens who would be willing, for a moment, to weigh it in the balance against the dishonor of submission.[171]

These quotations have been given *in toto* because their sentiment was the basis of Soulé's determined opposition to the Compromise of 1850, which he considered a series of aggressive anti-slavery measures—the abolition of the slave trade in the

[169] *Ibid.*, May 9, 1849.
[170] Gayarré, *op. cit.*, IV, 673.
[171] *Ibid.*, IV, 673-674.

District of Columbia, the admission of California as a free state —with no concessions to the South—the Fugitive Slave Law would be unenforceable. He realized that the end of slavery was inevitable, but his Cassandra warnings went generally unheeded by the South. Curiously enough, when the South did realize by 1860 that his idea had been correct, Soulé did not favor the remedy—secession—although he did follow his state.[172]

On March 3, 1849, the last day of the short session of Congress, Soulé took his seat in the Senate, his credentials being presented by Downs.[173] After remaining in Washington for some time, he went to New York the latter part of the month,[174] and from there to Boston to place his son in Harvard College—an action severly censured in 1850 as being inconsistent with his anti-Northern sentiments. Of his visit to Boston, the *Post* declared: "A large number of our most respectable citizens without distinction of party have taken the opportunity afforded by the short sojourn of the Hon. Mr. Soulé, at the Tremont House, to pay their respects to that gentleman by calling upon him. His elegant and frank manner excite the admiration of all who have enjoyed the privilege of his acquaintance."[175] In company with Harmanson, a member of the House of Representatives from Louisiana, he returned to New Orleans on April 23.[176]

The summer of this year marked for Soulé the fulfillment of a long cherished desire—a visit to his native soil and incidentally to Spain. Leaving New Orleans in June,[177] he went to New York and from there sailed for Spain "where his presence is demanded by professional business."[178] His purpose, so his nephew tells us, was "to study the ground on which he felt that a decisive battle would take place some day between Spain and young America over the island of Cuba. He wanted to know what the Court of Madrid thought of the colony, and if the Cubans aspiring to their independence, found there any allies."[179] In 1846, on a visit to Spain, it was reported that "he made certain representations which led to the steps subsequently taken by Mr. Polk and his administration to purchase Cuba. He appears to have acted in an unofficial capacity, though at the suggestion of the

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[172] *Daily Crescent*, June 4, 1848.
[173] *Congressional Globe*, 30 Cong., 2 Sess., 666.
[174] *Daily Crescent*, April 7, 1849.
[175] Boston *Post*, quoted in *Daily Picayune*, April 17, 1849.
[176] *Weekly Delta*, April 25, 1849.
[177] Soulé, *op. cit.*, 37, says he left in May.
[178] *Daily Crescent*, June 21, 1849.
[179] Soulé, *op. cit.*, 37.

government."[180] Such an allegation Soulé, however, denied.[181] That he was ever actually commissioned to discuss the purchase of Cuba the Washington *Union* denied several years later.

> He had no communication with the Spanish Government in reference to Cuba, either officially or unofficially, and never made representations that could lead to a proffer of purchase of that island, either on the part of Mr. Polk's administration, which had then terminated, or on the part of any other administration. Mr. Soulé may, on his return from Spain, have expressed opinion based, no doubt, on such information as he was likely to have derived from his intercourse with some of the most eminent men of Spain—speculations, it may be added, on the condition of that country or the exigencies of her exhausted treasury, or the prevailing apprehension . . . of some new outbreak on the part of the Carlists.[182]

After a sojourn at Madrid, Soulé went to his birthplace, Castillon, in southwestern France. His homecoming Mercier touchingly describes:

> The mountain was proud of its child; the glorious sound of his renown had resounded back to the homes, and his favors taught the poor that neither going away nor time could change his heart. The whole village ran before him; a thousand voices welcomed him with the most touching affections and the handshakes finished expressing the enthusiasm which filled the souls of the Midi. Among so many other triumphs this one is not the least. It was one of those days which compensated all the griefs of the past. . . . Mr. Soulé spent two months in the Chateau of Cannes, whose acquaintance he had charged his brother to make some years ago. That old residence was filled each day by the fraternal salutations which the neighboring districts addressed to him. . . . The mountaineers . . . were astonished and charmed at the same time to hear themselves, welcomed in a dialect, which they did not think Mr. Soulé could remember after so long an absence; and nothing could paint the sentiment mingled with joy and proudness, which was reflected on the features of his godmother, when that old farmer woman, whose elevated waist and aquiline type recalled the heroic matron of primitive Rome, listened to her godchild speak in the language of his youth.[183]

As for Soulé's own feeling at the time, Mercier continues: "There is no human language which can translate the sentiment which man experiences in the moment when there reappears into

[180] *Weekly Delta*, Dec. 12, 1850.
[181] *Ibid.*, Dec. 26, 1852.
[182] *Ibid.*
[183] Mercier, *op. cit.*, 61-68.

view, in their immovable solemn pose, the big lines of the pictures where the thoughts of his youth are inscribed. He sees himself a child again, careless, bounding free and vagabond like a wild goat."[184]

Soulé had another purpose in visiting France, to study the achievements and character of the Second Republic.[185] At Paris, where had gone from Castillon, he met Gaillardet to whom he expressed the wish to meet Louis Napoleon "so he might judge for himself what France might hope or fear from him."[186] The interview arranged by Gaillardet through Macquart, the head of the Cabinet, was no credit to Soulé who acted very much like a small boy with a chip on his shoulder.

> "You are an American, Monsieur?" the President asked him.
>
> Thinking that the letter of introduction announcing the honors given to Soulé had not reached Napoleon, Gaillardet pressed Soulé to say nothing of his achievements in America. Consequently Soulé was silent.
>
> Napoleon, good and kind to everyone, feared undoubtedly of having wounded the rightful pride of his visitor . . . asked Soulé of news of the border of the Mississippi.
>
> "It is closed, Monsieur," Soulé answered.
>
> The Prince expressed graciously the desire to see it opened again.
>
> Soulé left convinced that the President was an idiot. "He understood (he said to me—Gaillardet) that I had measured him at a glance; it was that which has caused his embarrassment. I am sure that he distrusted me as quickly as I judged him. He will never pardon me for his uneasiness and my comfort."[187]

The unfortunate impression Soulé made upon Louis Napoleon was to bear fruit later when the former, as Minister to Spain, was refused permission to travel through France.

Soulé returned to Havre and sailed for New Orleans, "deeply regretting leaving once more his native land."[188]

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[184] *Ibid.*, 61.
[185] Soulé, *op. cit.*, 37.
[186] *Ibid.*
[187] *Ibid.*, 37-40.
[188] Mercier, *op. cit.*, 70.

BIBLIOGRAPHY

Biographies and Memoirs

Butler, Pierce: *Judah P. Benjamin.* Philadelphia, G. W. Jacobs and Co., 1907.

Connor, Henry Groves: *John Archibald Campbell, Associate Justice of the U. S. Supreme Court, 1853-1861.* New York, Houghton, Mifflin Co., 1920.

Cruzat, J. W.: "Biographical and Genealogical Notes Concerning the Family of Philippe de Mandeville Ecuyer Sieur de Marigny", in Louisiana Historical Society *Publications,* V (1911). New Orleans, Tulane University Press, 1911.

Colomb, Robert William (ed.): "Dufour's Local Sketches: Pierre Soulé", in *Louisiana Historical Quarterly,* XIV (1931). Baton Rouge, Ramires-Jones, 1931.

Field, Maunsell Bradhurst: *Memories of Many Men and Some Women: Being Personal Recollections of Emperors, Kings, Queens, Princes, Presidents, Statesmen, Authors, and Artists, at Home and Abroad, During the Last Thirty Years.* New York, Harper and Bros., 1874.

Herringshaw, Thomas William (ed.): *Encyclopedia of American Biography of the Nineteenth Century.* Chicago, American Publishers' Association, 1901.

Hunt, Thomas: *The Life of William H. Hunt.* Brattleboro, Vermont, E. L. Hildreth and Co., 1922.

Johnson, Allen, and Malone, Dumas (eds.): *Dictionary of American Biography.* 20 vols. New York, Charles Scribner's Sons, 1928-1936.

Kernion, George C. H.: "Samuel Jarvis Peters, the Man Who Made New Orleans of Today and Became a National Personality", in Louisiana Historical Society *Publications,* VII (1913-14). New Orleans, American Printing Co., 1915.

Lodge, Henry Cabot: *Daniel Webster (American Statesmen Series,* ed. by J. T. Morse). New York, Houghton, Mifflin Co., 1899.

Mercier, Alfred: *Biographie de Pierre Soulé, Senateur à Washington.* Paris, Dentu, 1848.

Meynier, Arthur: "Soulé", in *Louisiana Biography Weekly Magazine,* X, No. 5. New Orleans, Graham, 1882.

Phillips, Ulrich B.: *Life of Robert Toombs.* New York, Macmillan Company, 1913.

Pilcher, Joseph Mitchell: "Judah P. Benjamin, or Jewish Prophecy Fulfilled", in *Louisiana Historical Quarterly,* III (1920). Baton Rouge, Ramires-Jones, 1922.

Quaife, Milo M. (ed.): *Diary of James K. Polk.* 4 vols. Chicago, A. C. McClurg Co., 1910.

Reed, Emily Hazen: *Life of A. P. Dostie, or the Conflict in New Orleans.* New York, W. P. Tomlinson, 1868.

Renshaw, Henry: "A Sketch of the Life and Career of Pierre Soulé" (Abstract), in Louisiana Historical Society *Publications*, II, Pt. 3 (1899). New Orleans, L. Graham & Sons, 1900.

Ridlon, Rev. Gideon Tibbetts (comp.): *Contribution to the History, Biography, and Genealogy of the Families Named Solé, Solly, Soulé, Sowle, and Soulis, with Other Forms of Spelling, from the Eighth Century to the Present, with Notes on Collateral Families both Foreign and American. . . .* Portland, Maine, Falmouth Hotel, 1926.

Sears, Louis Martin: *John Slidell.* Durham, N. C., Duke University Press, 1925.

Soulé, Leon: *Notice sur Pierre Soulé, Avocat à la Nouvelle-Orleans, Senateur de la Louisiane à Washington.* Toulouse, Imprimerie Lagarde et Sibille, 1901.

Wilson, James Grant, and Fiske, John (eds.): *Appleton's Cyclopedia of American Biography.* New York, D. Appleton and Co., 1888.

Published Correspondence

Boucher, Chauncey S., and Brooks, Robert P. (eds.): "Correspondence Addressed to John C. Calhoun, 1837-1849" (Sixteenth Annual Report of the Historical Maunscripts Commission), in American Historical Association *Annual Report* for 1929. Washington, Government Printing Office, 1930.

Jameson, J. Franklin (ed.): "Correspondence of John C. Calhoun" (Fourth Annual Report of the Historical Manuscripts Commission), in American Historical Association *Annual Report* for 1899, II. *(House Document* No. 735, 56 Cong., 1 Sess.). Washington, Government Printing Office, 1900.

Sears, Louis Martin: "Slidell and Buchanan", in *American Historical Review,* XXVII (1921-22). New York, Macmillan Company, 1922.

General Histories

American Annual Cyclopedia and Register of Important Events of the Year 1870. (42 vols., 1861-1903. Vol. X.) New York, D. Appleton and Co., 1872.

Bryant, William Cullen; Gay, Sidney Howard; and Brooks, Noah: *Scribner's Popular History of the United States from the Earliest Discoveries of the Western Hemisphere by the Northmen to the Present Time.* New York, Charles Scribner's Sons, 1896.

Eliot, Samuel: *History of the United States from 1492 to 1872.* Boston, William Ware, 1878.

Fite, David Emerson: *The History of the United States.* (New Ed.) New York, Henry Holt, 1926.

Greg, Percy: *History of the United States from the Foundation of Virginia to the Reconstruction of the Union.* 2 vols. in 1 (Am. Ed.). Richmond, Va., West, Johnston and Co., 1892.

Jameson, J. Franklin: *Dictionary of United States History, Alphaebtical, Chronological, Statistical.* Philadelphia, Historical Publishing Co., 1931.

Lossing, John Benson (ed.): *Harper's Encyclopedia of United States History from 458 A. D. to 1902.* 10 vols. New York, Harper and Bros., 1905.

McMaster, John Bach: *History of the People of the United States from the Revolution to the Civil War.* 8 vols. New York, D. Appleton and Co., 1907.

Rhodes, James Ford: *History of the United States from the Compromise of 1850 to the End of the Roosevelt Administration.* 9 vols. (new ed.) New York, Macmillan Company, 1928.

Encyclopedias

Alderman, Edwin Anderson; Smith, Charles Alfonso; and Metcalf, John Calvin (eds.): *Library of Southern Literature.* 17 vols. Atlanta, Martin and Hoyt, 1923.

Biographical Directory of the American Congress, 1774-1927 (House Document, No. 783, 69th Congress, 2nd Session). Washington, Government Printing Office, 1928.

Collier's New Encyclopedia: A Self-Revising Reference Work with Loose-Leaf Features. 12 vols. New York, Collier Publishing Co., 1928.

National Encyclopedia of American Biography, Being the History of the United States. 19 vols. in 20. New York, White, 1862-1926.

Phillips, Lawrence Barnett (ed.): *The Dictionary of Biographical Reference, Containing Over a Hundred Thousand Names, Together with a Classed Index of the Biographical Literature of Europe and America. . . .* (New ed., rev., cor., and augm., with supplement to date, by Frank Weilmkampf). Philadelphia, Gebbie and Co., 1889.

Monographs and Special Articles

Alwes, Berthold C.: "History of the Louisiana State Lottery Company" (Master's Thesis, in Louisiana State University Library, Baton Rouge). 1929.

Arthur, Stanley Clisby, and Kernion, George Campbell Huchet: *Old Families of Louisiana.* New Orleans, Harmanson, 1931.

Brink, Florence Roos: "Literary Travellers in Louisiana Between 1803 and 1860" (Master's Thesis, in Louisiana State University Library, Baton Rouge). 1930.

Brown, William Garrett: *The Lower South in American History.* New York, Macmillan Company, 1902.

Cusachs, Gaspar: "Petition for Concession of Islands of Caillou and Timbalier, and Order of Survey", in *Louisiana Historical Quarterly,* II (1919). Baton Rouge, Ramires-Jones, 1922.

Dart, Henry P.: "Remy's Lost History of Louisiana", in *Louisiana Historical Quarterly,* V (1922). Baton Rouge, Ramires-Jones, 1923.

"Election Frauds in Plaquemines Parish, Louisiana, in 1844", in *Louisiana Historical Quarterly,* X (1927).

Foote, Henry S.: *The Bench and Bar of the South and Southwest.* St. Louis, Soulé, Thomas, and Wentworth, 1876.

Gaillardet, Frederic: *L'Aristocratie en Amerique.* Paris, Dentu, 1883.

Garrison, George Pierce: *Westward Extension, 1841-1850 (The American Nation: A History,* ed. by A. B. Hart. Vol. XVII). New York, Harper and Bros., 1906.

Gentho, Arnold: *Impressions of Old New Orleans: A Book of Pictures.* New York, George H. Doran, 1926.

Greer, James Kimmins: "Louisiana Politics, 1845-1861", in *Louisiana Historical Quarterly,* XII (1929), XIII (1930). Baton Rouge, Ramires-Jones, 1930-31.

Hart, William O.: "The Constitutions of Louisiana, with Some Observations on the Constitutional Convention of 1921", in *Louisiana Historical Quarterly,* III (1920). Baton Rouge, Ramires-Jones, 1922.

Howe, William W.: "Municipal History of New Orleans", in *Johns Hopkins University Studies in Historical and Political Science,* VII, Part 4. Baltimore, Murray, 1889.

Hunt, Carleton: "Address", in Louisiana Bar Association *Proceedings,* 1908. New Orleans, J. G. Hauser, 1908.

Kendall, John Smith: "Municipal Elections of 1858", in *Louisiana Historical Quarterly,* V (1922). Baton Rouge, Ramires-Jones, 1923.

Kennedy, Bertha B.: "Louisiana in the Mexican War" (Master's Thesis, in Louisiana State University Library, Baton Rouge). 1930.

Kent, Frank R.: *The Democratic Party, A History.* New York, Century Co., 1928.

King, Grace: *Creole Families of New Orleans.* New York, Macmillan Company, 1921.

Leovy, Henry J.: "The Ante-Bellum Bench and Bar", in Louisiana Bar Association *Proceedings,* 1899-1900. New Orleans, Graham, 1900.

M'Caleb, Thomas (ed.): *The Louisiana Book: Selections from the Literature of the State.* New Orleans, R. F. Straughan, 1894.

McLure, Mary Lilla: "The Elections of 1860", in *Louisiana Historical Quartely,* IX (1926). Baton Rouge, Ramires-Jones, 1927.

Memorial Record of Alabama. 2 vols. Madison, Wis., Brant and Fuller, 1893.

Miller, Ben Robertson: "The Louisiana Judicial Structure", (Master's Thesis, in Louisiana State University Library, Baton Rouge). 1932.

Morgan, Henry G., Jr.: "A Duel Between Diplomats: An Incident in the Life of Pierre Soulé", in *Louisiana Historical Quarterly,* XIV (1931). Baton Rouge, Ramires-Jones, 1932.

Norman, B. M.: *Norman's New Orleans and Its Environs.* New Orleans, B. M. Norman, 1845.

Overdyke, W. Darrell: "History of the American Party in Louisiana" (Master's Thesis, in Louisiana State University Library, Baton Rouge). 1930.

Prichard, Mary E. Welborn: "Louisiana and the Compromise of 1850" (Master's Thesis, in Louisiana State University Library, Baton Rouge). 1929.

Richey, Emma Cecilia, and Kean, Evelina P.: *The New Orleans Book.* New Orleans, Graham Co., Ltd., 1915.

Rosengarten, Joseph George: *French Colonists and Exiles in the United States.* Philadelphia, J. P. Lippincott, 1907.

Thompson, T. P.: "Early Financing in New Orleans, Being the Story of the Canal Bank, 1831-1915", in Louisiana Historical Society *Publications,* VII (1913-14). New Orleans, American Printing Company, 1915.

Trufant, S. A.: "Review of Banking in New Orleans, 1830-1840", in Louisiana Historical Society *Publications,* X (1917). New Orleans, Louisiana Historical Society, 1918.

Winston, James E.: "Economic History of New Orleans", in *Mississippi Valley Historical Review,* XI (1924-25). Cedar Rapids, Iowa, 1924.

Newspapers

Baton Rouge Gazette, 1844, 1848.
Daily Delta (New Orleans), 1845-1848, 1852.
Daily Crescent (New Orleans), 1849-1850.
Daily Picayune (New Orleans), 1844-1848, 1851, 1853, 1870.
Daily True Delta (New Orleans), 1852.
Democratic Advocate (Baton Rouge), 1848.
National Intelligencer (Washington, D. C.), 1847, 1850.
New Orleans States, 1923.
New Orleans Times, 1870.
Semi-Weekly Natchez Courier (Natchez, Miss.), 1848.
Weekly Delta (New Orleans), 1849, 1852.

Public Documents

Executive Journal of the Senate of the First Legislature, of the State of Louisiana. Begun and Held in the City of New Orleans, on the 9th February, 1846. New Orleans, Van Benthuysen & Besancon, 1846.

Journal of the Senate of the State of Louisiana. First Legislature, First Session (1846). New Orleans, Van Benthuysen & Besancon, 1846.

Journal du Senat, de L'Etat de la Louisiane, de Session de 1847. Nouvelle Orleans, W. Van Benthuysen, 1847.

Journal du Senat, de L'Etat de la Lousiane, de Session de 1848. Nouvelle Orleans, Imprimerie du Courrier de la Louisiane, 1848.

Journal of the Convention Called for the Purpose of Re-Adopting, Amending or Changing the Constitution of the State of Louisiana. (For Convention Sessions at Jackson in 1844). New Orleans, 1845.

Journal of the Proceedings of the Convention of the State of Louisiana, Begun and Held in the City of New Orleans, on the 14th Day of January, 1845. (For Convention Sessions in New Orleans in 1845). New Orleans, Besancon, Ferguson & Co., 1845.

Official Report of Debates in the Louisiana Convention. (For the Convention Sessions at Jackson in 1844). New Orleans, 1845.

Proceedings and Debates of the Convention of Louisiana, Which Assembled at the City of New Orleans, January 14, 1845. (For the Convention Sessions in New Orleans in 1845). New Orleans, Besancon, Ferguson & Co., 1845.

Constitution of the State of Louisiana, Adopted in Convention, May 14, 1845.

Curry, Thomas (ed.): *Report of Cases Argued and Delivered in the Supreme Court of Louisiana.* St. Paul, West Publishing Co.

Congressional Globe: New Series, Containing Sketches of the Debates and Proceedings of the Second Session of the 29th Congress. Washington, Blair and Reeves, 1847.

Congressional Globe and Appendix: New Series, Containing Sketches of the Debates and Proceedings of the Second Session of the 30th Congress. Washington, Blair and Reeves, 1849.

Waring, George F., and Cable, George W.: *History and Present Condition of New Orleans and Its Environs and Report on the City of Austin, Texas* (Social Statistics of Cities, Department of the Interior, Tenth Census). Washington, Government Printing Office, 1881.

State and Regional Histories

Biographical and Historical Memoirs of Louisiana. 2 vols. Chicago, Goodspeed, 1892.

Chambers, Henry E.: *A History of Louisiana: Wilderness, Colony, Province, Territory, State, People.* 3 vols. New York, American Historical Society, 1925.

Coleman, Will Heard (comp.): *Historical Sketch Book and Guide of New Orleans.* New York, W. H. Coleman, 1885.

Fortier, Alcée: *History of Louisiana.* 4 vols. New York, Manzi, Joyant, and Company, 1904.

Fortier, Alcée (ed.): *Louisiana, Comprising Sketches of Parishes, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form.* 3 vols. New Orleans, Century Historical Association, 1914.

Gayarré, Charles: *History of Louisiana.* 4 vols. New Orleans, Armand Hawkins, 1885.

Kendall, John Smith: *History of New Orleans.* 3 vols. Chicago, Lewis Publishing Co., 1922.

Martin, Francois Xavier: *The History of Louisiana from the Earliest Period,* With a Memoir of the Author, by Judge W. W. Howe . . ., to which is Appended *Annals of Louisiana, from the Close of Martin's History, 1815, to the Commencement of the Civil War, 1861,* by John F. Condon. New Orleans, J. A. Gresham, 1882.

Rightor, Henry (ed.): *Standard History of New Orleans.* Chicago, Lewis Publishing Co., 1900.

Thompson, Maurice: *The Story of Louisiana,* Boston D. Lothrop Co., 1888.

Views of Contemporaries

Bullitt, Cuthbert: "Remembrances of New Orleans and the Old St. Louis Hotel from the Scrapbook of Miss Grace King", in *Louisiana Historical Quarterly*, IV (1921). Baton Rouge, Ramires-Jones, 1922.

Castellanos, Henry C.: *New Orleans As It Was.* New Orleans, L. Graham and Son, Ltd., 1895.

Hall, A. Oakey: *The Manhattaner in New Orleans, or Phases of "Crescent City" Life.* New York, Clinton Hall, J. S. Redfield, 1851.

Ingraham, Joseph Holt: *The Southwest.* 2 vols. New York, Harper and Bros., 1835.

Ingraham, Joseph Holt: *The Sunny South: or, the Southerner at Home, Embracing the Five Years' Experience of a Northern Governor in the Land of Sugar and Cotton.* Philadelphia, G. G. Evans, 1860.

Pulszky, Francis and Theresa: *White, Red, Black: Sketches of American Society in the United States.* New York, Redfield, 1853.

Ripley, Eliza: *Social Life in Old New Orleans, Being Recollections of My Girlhood.* New York, D. Appleton and Co., 1912

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
XCIII.

September, 1763

(Continued from July, 1942, Quarterly)

By G. Lugano

Revised by Walter Prichard

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

Dabbadie, Jean Jacques Blaise, Commissioner General of the Marine, Intendant, and First Judge of the Superior Council.

De la Lande d'Apremont, Charles Marie, Counsellor Assessor.

De Lafreniere, Nicholas Chauvin, Procureur General.

De Kernion, Jean Francois Huchet, Councillor Assessor.

De la Place, Joseph Adrien, Councillor Assessor, and acting Procureur General.

Delaunay, Louis Alexandre Piot, Councillor Assessor.

Devezin, Pierre Francois Olivier, Councillor, Inspector of Highways, and Surveyor General of Louisiana.

De Foucault, Nicolas Denis, Councillor Assessor.

Lesassier, Charles, Councillor Assessor.

Garic, Jean Baptiste, Royal Notary and Chief Clerk of the Superior Council.

Bary, Marin Pierre, Sheriff and Crier of the Superior Council.

Ducros, Joseph, Attorney for Vacant Estates.

Duvergé, Pierre, Secretary to Intendant Dabbadie.

Lebeau, Francois, Physician and Botanist of the King in Louisiana.

Gardrat, Henry, Surgeon Major of the King in New Orleans.

Devergés; De Reggio; Ducros: Clerks or secretaries of the Superior Council.

September 1, 1763.

No. 8451. 1 p.

Discharge granted by Jean Villeneuve to Jean Feneton, who paid amount due on a lost note.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, appeared Sieur Jean Villeneuve, who declared and acknowledged to have received this day in cash from Jean Feneton the sum of 300 livres, due him on a promissory note which has been misplaced, lost, or stolen; and in consideration of said payment Sieur Villeneuve acquitted and released Sieur Feneton and cancelled the aforesaid promissory note, in the event it should be found.

Done and passed in the Notarial Office of this city in the presence of Sieurs Marin Bary and Joseph Becat, competent witnesses.

(Signed): Jh. Becat; Bary; Garic, Notary.

Both the contracting parties declared that they could neither write nor sign.

(Signed, in margin): Devergés; De Reggio; Ducros.

September 1.

2 pp.

Francois Xavier D'Acosta, acting for Jean Christophe Carta, vs. Joseph Ducros, Attorney for Vacant Estates: Conclusions of the Procureur General recommending that the Attorney for Vacant Estates deliver to the plaintiff 1435 pounds of tallow or pay the value of same.

Having read the report of Monsieur Delaunay, Councillor Commissioner on this case, concerning the civil suit pending before the Court between Sieur Francois Xavier D'Acosta, at present in this city, in the name and as substituted attorney-in-fact of Sieur Jean Christophe Carta, plaintiff, and Sieur Joseph Ducros, Attorney for Vacant Estates, defendant;

Having read also: The plaintiff's petition, drafted in Spanish and dated June 20th; the procuration of Don Joseph Manuel Martines, Spaniard, in behalf of Don Jean Christophe Carta, drafted in Spanish and dated November 13, 1762; the translation of above documents by Monsieur Garic, Notary and Chief Clerk of the Superior Council, dated June 27, 1763; the substitution of Don Francois Xavier D'Acosta by Don Jean Christophe Carta, drafted in Spanish and dated February 23, 1763; the translation of same by the said Mr. Garic, dated June 27, 1763; and signed by said Mr. Garic; the invoice relative to six cases of tallow, written in Spanish at Campeche on November 3, 1762, and its translation of June 27, 1763, by Mr. Garic, who signed same; the translation of all the Spanish documents that were served upon the defendant on June 28, 1763; the order of the Council directing the parties to present written briefs to Monsieur Delaunay, Councillor Commissioner on this case; the defendant's answer addressed to Monsieur Delaunay on August 2, 1763:

The undersigned, Procureur General of the King, in the King's name, submits that judgment be rendered directing Sieur

Ducros, in his capacity of Attorney for Vacant Estates, and entrusted with the assets of the D'Argous succession, to deliver to the plaintiff 1435 pounds of tallow, or, should the plaintiff prefer it, to pay for same at the rate of thirty sols per pound, making the sum of 2148 livres and 10 sols; and that Sieur Ducros, in his said capacity, be condemned to pay costs.

New Orleans, September 1, 1763. (Signed): Lafreniere.

September 1.

4 pp.

De Reggio vs. De Mazant: Answer of De Mazant to the petition of De Reggio.

Answer of Sieur Demazant to the petition of Sieur De Reggio of August 27th, served upon him on August 29th:

In March 1750 Sieur Fleuriau and the defendant purchased in common and under conditions strictly complied with by them, from Marie Thereze Dupré, widow Livet, a parcel of land, on which she had settled, situated in the rear of their common plantation, near the old village of the Chaouachas; which land had never been surveyed, it having been granted by Monsieur de Bienville to the late Colin, first husband of said Marie Thereze Dupré; the whole as it is well and duly set out in the annexed act of sale (not in the file), the terms of which the defendant does not intend to waive.

Since the boundaries of said land had not been established, it is unquestionable that the vendor could not sell a specified quantity of same, but she could only dispose of that portion which she pointed out and of which she held possession and which she had enjoyed in community with her two husbands, Colin and Livet.

It is not less unquestionable that the land sold by said Marie Thereze Dupré was in the rear of the plantation of the aforesaid Sieurs Fleuriau and Demazant, as she stated and affirmed in the contract of sale; and clear evidence that the middle line of the lands of Messrs. Fleuriau and Demazant was considered as the center of their property by the said vendor and her two husbands is furnished by the fact that just at that point were erected all the buildings by the said Colin and Livet, who, in all probability, acted in accordance with the custom followed by the inhabitants of this colony; it could also be presumed that they believed that their property stretched more in the rear of Sieur Fleuriau's land than of the defendant's property, as in that direction was done most of the clearing and planting on their land; therefore the land in question could extend only for one half, at most, in the rear of the defendant's property.

If the said vendor had believed that her property extended more in the rear of Sieur Demazant's than of Sieur Fleuriau's land, she would have stated so in the abovementioned contract of sale, instead of referring in it only to "boundaries in the

rear of the plantation of Sieurs Fleuriau and Demazant, which boundaries are not susceptible of determination."

It is therefore sufficiently proven that since the center of the common land of Sieur Fleuriau and the defendant is at the end of the middle line of the forty arpents of their adjacent plantation, the prolongation of said line must be considered as the middle line of the aforesaid undivided land. This being established, how can one justify the surprise and the objection of Sieur De Reggio over the defendant's having taken the liberty to build on his share of the property some structures necessary to the improvement of his plantations, and for having made additional clearings for the extension of cultivation? And what weight can the plaintiff's opposition have in the matter? And what is to be the indemnity claimed by him in such a harsh manner?

Instead of encroaching upon the plaintiff's property the defendant erected his buildings and made his clearings one half arpent inside the boundary in order to avoid shading the property of plaintiff, of whose supersensitiveness the defendant was well aware.

And what about the defendant's so-called subtlety which, according to Mr. De Reggio, resulted in deceiving two executives of this colony, who were authorised, by virtue of their office, to grant concessions, as well as to correct defects of form in former concessions? Mr. De Reggio says that Sieur Demazant bethought himself of a good expedient which revealed his character, when he presented a petition to Messrs. de Kerlerec and Descloseaux under a false and ridiculous representation, which brought about a surreptitious concession of the said land.

If Mr. De Reggio, before using such offensive and inconsistent language, had taken the trouble of securing accurate information and to consult the original of this so-called surreptitious concessions, he would have discovered, first, that Monsieur Descloseaux had no hand in the matter, as the concession was granted by Messrs. de Kerlerec and Foucault; furthermore, the plaintiff would have learned that the defendant did not make any ridiculous and false representations in his petition for the concession of the whole undivided landed property, but, on the contrary, he made a request for, and was accordingly granted only one half of the said land purchased in common by Sieur Fleuriau and himself; and that the purpose of the defendant's request was to provide against the loss of the original concession made by Monsieur de Bienville to the said Colin, it having been lost in the hands of the late Sieur Broutin, and to assure peaceful possession in the future of one half of the said undivided property, and not, as Mr. De Reggio likes to presume, for the purpose of defrauding the assigns of the late Sieur Fleuriau of the other half to which they are rightfully entitled.

For all the foregoing considerations the defendant prays that it may please Your Excellencies to order that the middle line of the aforesaid undivided landed property be held to be a line projected from the middle line of the adjacent plantations of the plaintiff and of the defendant. And right will be done.

New Orleans, September 1, 1763. (Signed): Le Chr. de Mazan.

September 1.

1 p.

Petition to the Superior Council by Jean Guichard for homologation of award rendered by arbitrators in his suit against Gerome Matutich.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Jean Guichard humbly prays and represents that an award was rendered by arbitrators in his suit against Sieur Gerome Matutich and was deposited in the Registry to be presented at the first session of the Council; that petitioner is about to leave the colony and prays that it may please Your Excellencies, after proper examination of the said award, to homologate same and to order that it shall obtain full and complete effect, and that it shall be executed according to its form and tenor. And right will be done.

New Orleans, September 1, 1763. (Signed): Guichard.

September 2.

3 pp.

Petition to the Superior Council by Milhet for order directing Debarry to accept colonial currency in settlement of succession of Lambert Desgranges, as issuance of letters of exchange, to be used as the equivalent of money, had been prohibited by a decree of the King.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Sieur Milhet has the honor to submit to Your Excellencies the statement of accounts relative to the affairs of the late Mr. Lambert Desgranges, together with all documentary evidence; which statement shows that the undersigned owes the sum of 3699 livres, 14 sols and 10 deniers in settlement of said matter;

That it is about fourteen months since Mr. De Barry advised petitioner that he was charged with the settlement of this matter, and petitioner delivered him the aforesaid statement, but he declined to receive payment of the said sum and neglected to inform Madame the widow Lambert of my offer of payment;

That about two months ago the said Mr. De Barry informed petitioner that he was ready to settle the matter, and petitioner offered payment in colonial currency, which is the same specie he received, but Mr. De Barry refused to accept it and demanded instead letters of exchange;

That the last payment of 3652 livres and 10 deniers was made to petitioner by Sieur Chantalou, charged with the liquidation of the succession of the late Sieur Dubreuil, in May 1759, by means of colonial currency;

That the custom established and followed up to that time in this colony by the Intendants to convert every year the Treasury notes into letters of exchange had the effect of causing the paper currency to be considered as current money of France, since Mr. Michel, who created that custom, in the ordinance he issued to that effect had directed that no difference should be made between the paper currency and the silver piastre.

Therefore petitioner was waiting for the letters of exchange that were expected at that time, in order to make the said remittance to Mr. Lambert by means of letters of exchange, but unfortunately no more letters of exchange were issued, as it pleased His Majesty to put and end to the use of letters of exchange by his decree of October 15, 1759. Consequently petitioner finds himself forced to deliver a sum of money, kept by him as a deposit, in the same specie paid to him; and he prays that it may please Your Excellencies to direct the said Sieur Debarry to receive the abovementioned sum of 3699 livres, 14 sols and ten deniers in paper currency of the colony. And right will be done.

New Orleans, September 2, 1763. (Signed): J. Milhet.

September 3.

1 p.

Petition to the Superior Council by Abbot Baudoin, former Jesuit, for a pension and permit to remain in the colony, since he is unable because of old age to return to his family in Canada, and since he has no relatives or acquaintances in France with whom he might spend his remaining days.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

The Abbot Baudoin, Priest, has the honor to represent that, being unable at present to return to Canada to join his family there, and having no relatives nor acquaintances in France with whom he might spend the few days of life left to him, very humbly beseeches that it may please Your Excellencies to grant him a pension sufficient for his very old age and infirmities, so that he might remain in this colony and live according to his station; and as a token of gratitude petitioner shall never cease to offer up prayers to Heaven for the preservation of Your Excellencies.

At the plantation of Monsieur Pradel, near New Orleans, August 17, 1763. (Signature missing.)

Procureur General recommends that petition be granted and that Abbot Baudoin be allowed an annuity of 900 livres during the remainder of life.

September 3, 1763.—In View of the very old age and infirmities of Abbot Baudoin, former so-called Jesuit, I consent that he remain in this colony and that he be granted a life-annuity of nine hundred livres to be paid yearly by the Royal Treasury in letters of exchange.

New Orleans, September 3, 1763. (Signed): Lafreniere.

September 3.

2 pp.

Petition to the Superior Council by Payen de Noyan for an annuity in order to redeem an obligation of the Jesuits, which society has been dissolved.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Jean Baptiste Anne Augustin Payen de Noyan, Captain of Cavalry on half pay, humbly prays and represents:

That his uncle, Monsieur de Bienville, Knight of the Royal and Military Order of St. Louis, and former Governor of this province, by virtue of the annexed act (not in the file) executed before and in the Office of Master Bricaud, Notary in Paris, had ceded and transferred to petitioner a life-annuity of 1000 livres, to be paid yearly, and due him by the former so-called Jesuits as the price of twenty arpents of land adjoining the city, and of one negro gardener; the said cession and transfer including also the arrears of the aforesaid life-annuity since January 1, 1762, up to September 3, 1763;

That when the order and the former Society of the so-called Jesuits was dissolved, Monsieur de Chavoy, Knight of St. Louis, resident of this city, acting under procuration of said Monsieur de Bienville, filed opposition to the sale of the said twenty arpents of land, on account of the said annuity and arrears of same; that the said opposition was withdrawn on the promise of Messrs. Dabbadie, Foucault and Lafreniere that the said obligation would be settled.

For the foregoing considerations petitioner prays that it may please Your Excellencies to order that the said life-annuity be redeemed by the King on the basis of six times its amount, instead of the customary basis of ten times, on account of the old age of Monsieur de Bienville, so that it will represent a principal of 6000 livres;

To order also the payment of the arrears of said annuity for the entire year 1762 and the first eight months of the current year, making a total of 1700 livres;

To order also that the foregoing sums be paid by means of letters of exchange of the Royal Treasury to petitioner, who shall renounce all his claims; and the said twenty arpents of land shall remain free and clear of all encumbrances and mortgages as far as petitioner is concerned. And right will be done. (Signature missing.)

Approval of the above petition by the Procureur General of the King.

September 3, 1763.—I Consent, in the King's name, that the life annuity of one thousand livres due by the former so-called Jesuits to Monsieur de Bienville, Knight of St. Louis, former Governor of this province, be redeemed by the King on the basis of six times its amount; and, accordingly, that the sum of six thousand livres arising from said redemption,

together with the arrears since January 1, 1762, making together the sum of seven thousand and seven hundred livres, be paid in letters of exchange of the Royal Treasury to Monsieur Anne Payen de Noyan, Captain on half pay, empowered and authorized to receive the said payment by the cession and transfer of all claims made to him by Monsieur de Bienville by act passed on March 19, 1763, in the Office of Messrs. Fournet and Bricaud, Notaries in Paris.

New Orleans, September 3, 1763. (Signed): Lafreniere.

September 3.

1 p.

Petition to the Superior Council by De Reggio for surveys of lands, to be used in suit between him and De Mazan, now pending before the King's Privy Council.

Petition to Their Excellencies of the Superior Council of Louisiana: The undersigned, De Reggio, Captain of Infantry, has the honor to represent:

That the status of the civil suit now pending before the King's Privy Council between petitioner and Sieur de Mazan requires that petitioner make an accurate, just and official survey of petitioner's as well as de Mazan's land up to the boundary of the property of the Ursuline Nuns; and also a survey of the land bought in community, and still undivided, by Messrs. de Mazan and Fleuriau, so that petitioner's counsel and attorney by complying with the request of the judges might be able to furnish them with the said documents.

Wherefore petitioner prays that it may please Your Excellencies to order Monsieur Ollivier, Inspector of Highways and General Land-Surveyor, to make the aforesaid surveys in the presence of a Commissioner that it may please Your Excellencies to appoint; and that copies of same be delivered to petitioner.

New Orleans, September 3, 1763. (Signed): Dereggio.

September 3.

2 pp.

Petition to the Superior Council by Jean Trudeau, in behalf of Jean Baptiste, formerly a free man, who has been condemned to be sent out of the colony and sold into slavery; and asking commutation of sentence so that said Jean Baptiste may remain in the colony.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Sieur Jean Trudeau, Aide-Major, humbly prays and represents: That one Jean Baptiste, formerly a free man, and condemned to slavery for the balance of his life, by an order of the Superior Council on November 5, 1757, in a prosecution conducted by the Procureur General, as the said sentence orders that the said Jean Baptiste shall be kept in jail until the Governor and the Intendant will deem it proper and convenient to remove him from this colony to be sold in some other colony, the proceeds of sale to be forfeited to His Majesty;

That the said Jean Baptiste, being repentant of his licentious conduct that caused his loss of freedom, requested petitioner to beseech the Court to commute the sentence to slavery in this colony.

Wherefore petitioner prays that it may please Your Excellencies to order that the said Jean Baptiste remain in this colony, and that he be sold to petitioner for the sum of 1000 livres. (Signed): Trudeau.

Conclusions of the Procureur General on the above petition.

September 3, 1763.—I Consent, in the King's name, that the banishment of the negro named Jean Baptiste be commuted to slavery for life in this colony; and that he be sold and the proceeds of sale be remitted to the Treasurer of the King.

New Orleans, September 3, 1763. (Signed): Lafreniere.

September 3.

3 pp.

Petition to the Superior Council by Broutin, who finds himself unable to meet his obligations, due to a slump in prices following the receipt of news of peace, asking for an extension of time in which to meet his obligation to Giraudeau, until the financial disorder in the colony becomes settled and the value of the paper currency becomes stabilized.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

The undersigned has the honor to represent: That, according to petitioner's promissory note written beneath the invoice of merchandise purchased from Sieur Giraudeau, petitioner is indebted in the sum of 40,000 livres in colonial currency, from which are to be deducted 108 livres to be paid by Sieur Giraudeau in behalf of Sieur Arnoult; and also the price of three bolts and eight ells of white linen, eight ells of clothing, and one hogshead of salt weighing 510 pounds, purchased by Sieur Giraudeau from petitioner and not yet settled for.

Petitioner is astonished by the suit filed by Sieur Giraudeau for the payment of said amount the day following the maturity of the said note, as the merchandise sold to petitioner is not worth at most 1000 livres, while Sr. Giraudeau claims the price of 40,000 livres, and it is as clear as daylight that petitioner is ruined by this transaction.

Therefore petitioner prays that it may please Your Excellencies to allow him an extension of time in order to be enabled to discharge his indebtedness; that in consequence of the purchase made just eight or ten days before news of the treaty of peace, petitioner is confronted with a great loss, since the merchandise, the whole of which remains on his hands, at present would not bring more than 4000 livres; that petitioner saved to Sieur Giraudeau a loss of over 35,000 livres, that which he undoubtedly would have suffered eight or ten days later.

Wherefore petitioner prays that he be granted a delay until settlement of the financial situation, so that he may make a pro rata payment, according to the reduction that His Majesty will decree in reference to the paper currency of the colony, because it is now impossible for him to discharge the said indebtedness.

Should petitioner be compelled to pay at once, this would set an example which will be taken advantage of by the other merchants, who, having made almost all of the inhabitants their debtors, will sue them, and the whole town will be crushed on account of the exceedingly high prices paid for the merchandise imported from Vera Cruz.

For all these considerations petitioner prays that it may please Your Excellencies to grant him delay until the financial crisis in the colony will be adjusted. And right will be done.

New Orleans, September 3, 1763. (Signed): Broutin.

September 3.

6 pp.

Azemare vs. Flottemanville: Madame Azemare prays for annulment of contract under private signature and for payment of expenses, damages and interest by Flottemanville.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

It is painful for Madame De la Brosse Azemare to appear so often before Your Excellencies, but this is the only way for her to get rid of Sieur Flottemanville's chicanery and quibbling.

Petitioner purchased from Sieur Flottemanville four arpents of land adjoining the property of Sieur Pradel, on August 8, 1761, by an act under private signature, hereto annexed (not in file); the required advertisement was executed and all other formalities necessary for the validity of said sale were complied with; and the sale was agreed upon for the price of 25,000 livres, which were received in cash by Sieur Flottemanville, as set forth in the aforesaid contract; therefore the sole and only thing to be done was to pass the deed before a Notary, which he obligated himself to do on demand; but he always refused to do so, thereby furnishing proof of his bad faith.

Petitioner, wishing to avoid court proceedings, tried to obtain from him, with all possible civility, what she could enforce with different methods, but all her endeavors were to no avail. What reason could he have had for refusing to execute the said act before a Notary? What advantage could he expect from the delay? He cannot deny the said sale, which was signed by several witnesses; the consent of Mr. Voisin is stated beneath same; the proper advertising was made without any opposition, and, what is more important, he received the price. Yet petitioner is enjoying the property without a legal deed to same.

Sieur Flottemanville still remained owner of four other arpents of land—the object of the present case—on which stand a rather fine residence and a sawmill. With no money to provide for his own maintenance, with no negroes to cultivate and improve the plantation, his position was an embarrassing one, and he proposed a transaction to petitioner; he prepared and destroyed several draftings of the act, and finally he signed that which is herewith enclosed, bearing the date of November 16, 1762.

Your Excellencies will kindly consider that Sieur Becat had already sued Sr. Flottemanville for an accounting, but this did not prevent him from going ahead without informing petitioner, who would not have stepped into the transaction, if she had been acquainted with the situation.

In order to make a show at facilitating petitioner, Sieur Flottemanville sold her the three hundred pieces of timber mentioned in the annexed act, and received the price of same in the sum of 8000 livres, for which he granted receipt; but this document was misplaced in the Registry, and he took advantage of it, and showed his bad faith in doing so.

The three hundred pieces of timber were to be delivered in February, 1762 at the plantation of Sieur Laseigne, on the German Coast, where petitioner went for the purpose of making a raft, but found there only a small part of said timber, and most of it damaged; whereupon she filed suit for delivery of the timber, or, in default thereof, for reimbursement of the aforesaid sum of 8000 livres, and Sieur Flottemanville was condemned to make delivery of the timber or return the price, and also to pay all expenses, costs and loss caused by the delayed operation of the sawmill, to be determined by arbitration; and another order of June 4th last, directed that the condition of said timber be ascertained by experts, who went to the German Coast and drafted the enclosed report (not in the file).

On March 5th last Sr. Flottemanville filed suit seeking payment by petitioner of the rental of the property that is the object of the aforementioned contract under private signature, and the court rendered a decision directing petitioner to pay rental according to time of possession, said order having been served on her on April 11th.

Then Sieur Becat filed his opposition to payment of said rental, and caused said opposition to be served on petitioner, who has postponed payment up to the present on account both of the said opposition and of Sr. Flottemanville's failure to comply with the abovementioned order of the Council condemning him to deliver to petitioner, within fifteen days, the three hundred pieces of timber, or in default thereof, to return the price, namely: 8000 livres.

Sieur Flottemanville is bound, under a specific clause of the aforesaid contract under private signature, to execute a deed before the Notary, so that petitioner can peacefully enjoy the property she had purchased; but, when requested to comply with the said clause, he refused to carry out his obligation under the pretext of Sieur Becat's opposition, of which he is therefore taking advantage, and which he does not care to have dismissed, as he does not want to deliver the timber, the price whereof he received more than a year ago, and has enjoyed since.

Wherefore petitioner prays the Court that Sr. Flottemanville be condemned to reimburse her the 8000 livres paid for the timber, of which he will have the right to dispose as he pleases; that Sr. Flottemanville be also condemned to pay petitioner the sum of 1700 livres and 10 sols in compliance with the Council's order of May 7th last; that he be also condemned to pay petitioner the sum of 420 livres growing out of the trip of the arbitrators, and to pay for the damages awarded by the arbitrators in relation to the delay in the operation of the sawmill, in compliance with the decision of the Court; that he be condemned to account for the sum of 746 livres and one sol, resulting from several of his vouchers, and for the sum of 1000 livres, according to his receipt written beneath the abovementioned contract under private signature.

It is furthermore proper to represent to Your Excellencies the condition of the aforesaid plantation when petitioner took possession of same. It was abandoned land that had been allowed to run wild for over ten years, and the residence, although well raised, was buried in high weeds and there was not left any vestige of the garden; the sawmill was out of order and not in condition to operate without incurring excessive expenses; the drainage was obstructed; and everything evidenced the neglect and poor economy of Sieur Flottemanville.

In conclusion, it is not any more a deed to the said four arpents of land that petitioner is now asking of Your Excellencies, but she prays that the aforesaid contract under private signature be declared null and void, as petitioner wishes not to have anything whatever to do with Sieur Flottemanville, who every day finds new pretexts for quibbling; and, in order to prevent this, petitioner prays that it may please Your Excellencies to appreciate her representations and to condemn Sr. Flottemanville to pay all costs, damages and interest. And justice will be done.

New Orleans, September 3, 1763. (Signed): Azemare.

September 3.

3 pp.

De Grandpré vs. De Reggio and Fleuriau: Defendants petition for an order allowing them to discharge a loan of 40,000 livres by using colonial currency.

Petition to Their Excellencies of the Superior Council of Louisiana:

In answer to Madame de Grandpré's demand it will suffce to represent fairly and simply how the matter stands. It was three years ago that Monsieur de Grandpré, having at his disposition the sum of 40,000 livres in colonial currency, offered to lend same, with interest, to the undersigned, De Reggio and Fleuriau, the said loan to be paid back within the present time in France, where he was planning to go; and the undersigned did not hesitate to accept said condition, as they could not forsee that it would have pleased the King to issue his currency decree; but now, should the demand of Madame de Grandpré be granted, the undersigned would be compelled to pay four to one, and this would be bold and unbearable usury.

It is not proper to insist that the expression, "colonial currency", does not appear in the act, since Madame de Grandpré is well aware that the money was delivered to the undersigned in the presence of Sieur Chantalou, Clerk and Royal Notary; furthermore, it is easily understood that if a different specie had been used, Sieur Grandpré, who paid same, would not have neglected to specify that the reimbursment was to be made in the same kind of currency.

Will Your Excellencies consider the enormous wrong the undersigned would undergo should the claim of Madame de Grandpré be upheld; and will Your Excellencies consider also that she has rejected all proposals of settlement and all offers of compromise.

The undersigned trust in Your Excellencies' sense of equity and justice and expect an order directing Madame de Grandpré to receive the aforesaid payment by means of the same currency delivered to the undersigned by Sieur de Grandpré, in Sieur Chantalou's presence; or an order allowing the undersigned the term of one year after currency crisis in the colony has been adjusted, because they have been unable to comply with their obligation on account of the failure to issue letters of exchange, as decreed by the King; because the financial condition of the colony is in a state of great uncertainty; and because it is not just that they should pay a sum of money four times larger than that which they received. And right will be done.

New Orleans, September 3, 1763. (Signed): Dereggio; Fleuriau.

September 3.

1 p.

Becat vs. Voisin and Flottemanville: Becat asks for a delay of two months for examination of the account presented him by Voisin and Flottemanville relative to the succession of Amiault Dauzeville, his uncle; and prays for order directing them to deliver all vouchers.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana: *Defense* presented by Sieur Becat, in his capacity of plaintiff and defendant, against Sieurs Voisin and Flottemanville, also plaintiffs and defendants:

Sieurs Voisin and Flottemanville are complaining about the long time taken by Sieur Becat in his examination of a merchandise account presented to him by the parties who are holding the succession of Sieur Amiault Dauzeville, his uncle. Notwithstanding all his diligence and study Sieur Becat was unable to understand the said account in the absence of a great many vouchers that Sieurs Voisin and Flottemanville neglected to furnish, despite all his demands.

Wherefore Sieur Becat prays that Your Excellencies grant him a delay of two months, so that he may have time to prepare his observations with respect to the said account; and prays also that Sieurs Voisin and Flottemanville be directed to furnish him with all vouchers, for which he shall give receipt. And justice will be done.

New Orleans, September 3, 1763. (Signed): Jh. Becat.

September 3.

2 pp.

Deflottemanville petitions for an order directing Madame Azemare to comply with two decisions of the Council rendered against her; and also directing her to settle several accounts.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana: Grenon Deflottemanville humbly prays and represents:

That he obtained against Madame Azemare two orders of the Council, dated March 5th and 7th last, with which she refused to comply, petitioner having requested several times without avail for a permit to have said orders executed.

Wherefore petitioner prays that it may please Your Excellencies to order Madame Azemare to carry out the said orders of Court without delay; and also to account to petitioner for seventy pieces of timber, evidenced by a memorandum beneath a contract under private signature relating to the sale of four arpents of land by petitioner to said Madame Azemare; and furthermore to account to petitioner for the sum of 683 livres and 15 sols due petitioner by said Madame Azemare, according to the statement hereinbelow presented; and finally to order her to return to petitioner two small iron pliers he loaned her.

New Orleans, September 3, 1763. (Signed): Deflottemanville.

Statement submitted with above petition.

Statement of what Madame Azemare owes to Deflottemanville, to-wit:

For four bedsteads, four sawing-trestles (horses, two shingles, one joiner's bench, twenty-eight or thirty planks, two cypress wedges, five cedar rafters, one top of table for twenty-four covers, one horse-collar, cordage: the whole for the price of one hundred livres:.....100 – –

Sixteen barrels of corn at three piastres per barrel, making a total of two hundred and forty livres:.....240 – –

8 fowls at eight livres apiece:..... 80 – –

20 brasses (a "brasse" equals six feet) of cordage, for one hundred and fifty livres:.....150 – –

3 rakes, priced at twenty livres:..... 20 – –

2 quarters of lime, at 10 livres per quarter:..... 20 – –

86 escalins for milk furnished, being equivalent to fifty-three livres and 15 sols:..... 53 –15–

20 livres in currency:..... 20 – –

Total:.....683 –15–

——errors excepted——

September 5.

1 p.

Acting Procureaur General requests that a Councillor Commissioner be appointed to open the door and take inventory of the contents of a room rented from Meneté by Laporte, who disappeared three days before.

Petition to Monsieur D'Abbadie, Commissioner General of the Marine and First Judge of the Superior Council of the Province of Louisiana:

The undersigned acting Procureur General of the King represents that he was informed by Sieur Meneté, tailor of this city, that Sieur Laporte, who lodges at his residence, has been absent for three days without giving any notice, and that he took the key of his room.

Wherefore the undersigned prays that it may please Your Excellency to appoint a Councillor Commissioner with authority to go and open the door of said room in the presence of the undersigned and of Sieur Ducros, in his capacity of Attorney for Vacant Estates; and to draft, at once, a procès-verbal and to take an inventory of all that might be found therein.

New Orleans, September 5, 1763. (Signed): Delaplace.

Petition granted.

September 5, 1763.—Let It be done, as prayed for, before Monsieur Foucault, Councillor, appointed Commissioner on this case. New Orleans, September 5, 1763. (Signed): Dabbadie.

September 10.

No. 8456. 3 pp.

Family meeting convened in behalf of the Fossier minors to deliberate on the sale of a plantation.

On September 10, 1763, before Monsieur Charles Marie de La Lande D'Appremont, Councillor of the Superior Council, appointed Commissioner in this case, and in the presence of Monsieur de Laplace, Assessor of said Council, acting Procureur General of the King, personally appeared Sieur Joseph Fossier, inhabitant of this colony, in the name and as widower of Marie Perret, who declared that by virtue of the order rendered on July 7th last—after due consideration of the conclusions of the Procureur General of the King—by Monsieur D'Abbadie, First Judge of the Council, he had caused notice of summons to be served yesterday by the Sheriff of the Council on the following relatives and friends of his minor children by the said late Marie Perret, namely:

Jean Perret, grandfather of said minor; Alphonse Perret, maternal uncle of said minors; Alexis Connard, Brunet, Briand, Maltet, Antoine Connard: all residents of this city and friends of said minors; who appeared to deliberate whether it would be to the advantage of the said minors to sell the plantation they own at Chapitoulas, on the opposite bank of the River, measuring four arpents front by the usual depth, with no buildings thereon, adjoining on one side the land of Sieur Flamand and on the other side the property of Madame the widow Lorrain. And having promised, under oath, to express a sincere and honest opinion in the matter, the said appearers signified their unanimous view in favor of the sale of said plantation, considering the difficulty of cultivating same on account of insufficient hands to work it, and considering that its upkeep would be too costly, and the revenue of little consequence.

(Signed): Brunet; B. Malteste; Briant; Connard; Antoine Connard; Garic, Notary.

Jean Perret and Alphonse Perret stated that they could neither write nor sign.

Advice of above family meeting referred to the Superior Council.

Whereupon the aforesaid and undersigned Councillor Commissioner, with the consent of the acting Procureur General of the King, ordered that the advice hereinabove expressed by the family meeting be referred to the Superior Council for such decision as it may see fit.

Given in the Registry, on said month, day and year.

(Signed): Delalande; De la Place.

Superior Council homologates the deliberations of the family meeting, and orders that plantation be sold at judicial sale and proceeds invested to best interest of the minors.

October 1, 1763.—The Superior Council of the Province of Louisiana, having taken cognizance of the above deliberations of the family meeting, and having heard the conclusions of the Procureur General of the King, homologated and does homologate the said deliberations of the relatives and friends of the Fossier minors so that the recommendation of the family meeting might be executed according to its form and tenor.

Consequently the Council ordered and does order that the said plantation and all the dependencies and appurtenances thereof be disposed of by judicial sale, to be carried out according to the usual procedure, before Monsieur De la Lande Dappremont, Councillor, appointed Commissioner in this case; and that the proceeds of sale be invested to the best advantage of the Fossier minors.

Given in the Council-chamber, on October 1, 1763. (Signed): Dabbadie.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 12.

No. 8457. 2 pp.

Inventory of the effects belonging to one Merlet.

On September 12, 1763, in the afternoon, at the request of the Procureur General of the King, Monsieur Charles Marie De La Lande, Councillor Commissioner on this case, in the presence of Monsieur de La Place, acting Procureur General of the King, and of Mr. Ducros, Attorney for Vacant Estates, went to the Registry of the Council for the purpose of opening a chest belonging to one Charles Merlet, who died suddenly on board of the schooner "La Legere", commanded by Captain Sieur Augrand, who stated, under oath, that he did not know of any other effects belonging to the said Merlet, and that some salary was due to the deceased, according to a statement he promised to present.

And the said chest having been opened, the following effects were found in it:

First, two pairs of brass buckles in bad condition:—for memorandum—

Item, three linen shirts in bad condition;

Item, two pairs of large breeches, quite worn;

Item, four old handkerchiefs, one pair of old stockings, one pair of old shoes.

The foregoing representing all that was found in the said chest belonging to the late Merlet; and, with the consent of the Procureur General of the King, the aforesaid Commissioner on this case delivered the said chest and effects to the Attorney for

Vacant Estates, who took charge of same and promised to produce same whenever ordered by the Court to do so, together with the salary due to the defunct, which will be delivered to him by Master Sieur Augrand.

(Signed): Paul Augrand; Delalande; De la Place; Ducros; Garic, Notary.

(Signed, in margin of first page): Devregés; De Reggio; Ducros.

September 13.

2 pp.

Sale of real estate under private signature by Francois Caminada to Le Bretton.

I, The Undersigned, Francois Caminada, do hereby acknowledge to have sold to Mr. Le Bretton my house situated on Conty Street, at present occupied by Mr. De Coune, and built on a portion of ground measuring seventy feet front by a depth of one hundred and twenty feet, with all its appurtenances and dependencies; and obligated myself to build a chimney-piece for the kitchen, which shall be covered with shingles; and also I bind myself to have a carriage-entrance made at the entrance of the courtyard: the whole for the price of 14,000 livres, which Mr. Le Bretton paid to me in cash as follows:

By agreeing to return to me a letter of exchange that I gave him on October 20th last, payable in France, six months after sight, to the order of Mr. Testar and upon Mr. Carayon of La Rochelle, for the sum of 6000 livres:	6000 – –
Item, by returning to me another letter of exchange to his order on myself, issued by me on February 11th last and payable one year after date, for the sum of 4000 livres:	4000 – –
Item, by returning to me another letter of exchange issued by me on February 11th last to the order of Mr. Testar and payable one year from date at the domicile of said Carayon, for the sum of 1000 livres:	1000 – –
Item, by payment in cash by Mr. Le Bretton to me, in settlement, the sum of 3000 livres:	3000 – –
Making a total of 14,000 livres:	14000 – –

Wherefore I do hereby grant him full release and do promise to have him discharged also towards whomsoever else it may concern.

We agree that the present transaction be executed between us in good faith by an act under private signature, which is to be considered as valid as though passed before a Notary, and we both promise to execute same before a Notary, upon request of either of us.

New Orleans, September 13, 1763. (Signed): Le Bretton; Caminada.

September 15.

No. 8460. 2 pp.

Power of Attorney granted by Louis Dutisné to Louis Auguste Dutisné, his brother, to accept the successions of his uncle and aunt, purely and simply or with benefit of inventory.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, in the presence of the hereinafter mentioned and undersigned witnesses, appeared Sieur Louis Dutisnay, officer of the colonial troops, heir with benefit of inventory or otherwise of the succession of Monsieur Pevret de Godarville, his uncle, and of Demoiselle Pevret, his aunt; which appearer appointed and constituted, by these presents, as his general and special attorney, Sieur Louis Auguste Dutisnay, his brother, officer, to whom he granted full power to act in his name and stead, to take full cognizance of the said successions of Mr. Pevret de Godarville and of Demoiselle Pevret, their uncle and aunt, who died, the former in St. Domingo, and the latter in France; to have seals affixed, to take a description and inventory of all assets, if not previously done, and to accept the successions purely and simply or with benefit of inventory; and to do all that appearer himself would and could do if he were present; promising to accept as satisfactory and to approve and ratify all that will be executed by the constituted attorney.

Done and passed in the Notarial Office in this city, on September 15, 1763, in the morning; witnesses: Sieurs Joseph Becat and Pierre Gauvain.

(Signed): Dutisnet; Jh. Becat; Gauvain, Jr.; Garic, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 16.

No. 8461. 2 pp.

Act of Mortgage granted by Jean Baptiste Grevembert and wife to Viviat.

On September 16, 1763, before the Royal Notary of the Province of Louisiana, residing in New Orleans, personally appeared Sieur Jean Baptiste Grevembert called Flamant, and Madame Anne Chenal, his wife, duly authorized by him to act herein, who acknowledged and confessed that they were indebted to Sieur Viviat, who also appeared and signified his acceptance, in the sum of 67,000 livres, in colonial currency, loaned to them by him; which sum they solidarily bound themselves to pay back and return to Sieur Viviat within six months from date, granting, as security, a mortgage on all their movable and immovable, present and future property, and electing, so far as the execution of these presents is concerned, their domicile at their residence situated on their plantation on the lower side of the River.

Passed in the Notarial Office in this city in the presence of Sieurs Joseph Becat and Pierre Gauvin, duly qualified witnesses.

(Signed) : Grevember; Viviat; Gauvain, Jr.; Jh. Becat; Garic, Notary.

Madame Chenal stated that she could neither write nor sign.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 16.

No. 8462. 1 p.

Charles Pradel's discharge to his father for amount promised in consideration of marriage.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, appeared Messire Charles Pradel, Knight, Lieutenant of His Majesty's ships, Captain in command of the frigate "Le Salomon", who acknowledged and confessed to received this day from Messire Jean Baptiste Pradel, his father, Knight, former Captain of infantry, who also appeared and signified his acceptance, the sum of 31,000 livres, "argent Real", on account of the amount promised him in consideration of his marriage and as an advance on what he might expect by inheritance, as set forth in the marriage contract executed on December 6, 1762, before Masters Fleury and de Lavergne, Notaries at La Rochelle; for which sum the said Sieur Charles Pradel expressed his contentment and satisfaction and granted release to his father.

Passed in the Notarial Office in this city on September 16, 1763, in the afternoon, in the presence of Sieurs Francois Gauvin and Joseph Becat, competent witnesses.

(Signed): Pradel; Pradel; Jh. Becat; Gauvain; Garic, Notary.

(Signed, in margin): Devergés; De Reggio; Ducros.

September 20.

No. 8463. 2 pp.

De Mazan protests against De Reggio's citation requesting him to be present at a survey of land.

On September 20, 1763, in the afternoon, the undersigned Counsel and Royal Notary for the Province of Louisiana, upon request of Messire Balthazar de Ponfrac Chevalier de Mazan, Knight of the Royal and Military Order of St. Louis, went to the latters' residence on Royal Street, where he found him ill in bed and was told by him that Mr. de Reggio had caused him to be summoned, by notice served on him this date by the Sheriff of the Superior Council, to be present next Thursday, at eight o'clock in the morning, at the survey of land adjoining the property of said Mr. de Reggio, and to be ready, on said date, to produce titles to said property; the said summons explaining that, in his presence or absence, Sieur Olivier, Chief Inspector of Highways and Surveyor of this colony, will proceed to make said survey in the presence of Mr. Lessassier, Councillor Commisisoner in this case.

The said Chevalier de Mazan declared to the undersigned Notary that he considered such summons as arbitrary, since it was issued without an order of Court; and should such an order exist, he would consider same as contrary to the order rendered by the Superior Council, on the third of the present month, stating that judgment would be rendered after decision of the King's Privy Council in the suit.

Therefore said Chevalier de Mazan stated that he would not be present at the survey which Mr. de Reggio is trying to have arbitrarily made of the aforesaid land; and furthermore he expressed his opposition to and protest against it and will consider as null and void all that will be done by Sieur Olivier or whomsoever else to the prejudice of the said order of the Superior Council, in which he trusted, since he did not acknowledge in this colony any judgment superior to the Council's judgment.

And, upon his request, copy of the present declaration was granted to him. Done, declared and protested at the aforesaid residence, on the month, day and year above specified.

(Signed): Le Chev. de Mazan; Garic, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 21.

No. 8464. 10 pp.

Procureur General of the King requests that one St. Francois, his wife and daughter, be expelled to St. Domingo on account of their scandalous life and behavior; and that his effects be sold and the proceeds thereof be turned over to the Hospital of the Poor.

Petition to Monsieur Dabbadie, Commissioner General of the Marine and First Judge of the Superior Council of the Province of Louisiana:

The Procureur General of the King represents: That on account of the repeated complaints made to him by all the neighbors of one St. Francois by name, recently discharged from the army, and on account of the disorders carried on in the dwelling occupied by said St. Francois, his wife and daughter, the undersigned had ordered all of them to be taken to jail, as their scandalous behavior over a long period could not be stopped by any threat of exemplary punishment; and the undersigned was further moved to do this, as the older woman, who formerly lived on a plantation, was suspected of having committed an assassination in that quarter.

Wherefore the Procureur General of the King requests that it may please Your Excellency to order that the aforesaid man, his wife and daughter, be placed on board the first vessel sailing for St. Domingo and be expelled from this city; and that a Councillor be appointed Commissioner on this case, so that he can proceed, in the presence of the Procureur General of the King, to take an inventory of the effects belonging to the said

St. Francois, to be deposited at the Registry of the Council and be judicially disposed of and the proceeds of the sale thereof be used for the settlement of debts, should there be any, and the remainder to be given to the Hospital of the Poor.

New Orleans, September 21, 1763. (Signed): Lafreniere.

Petition granted; but net proceeds of judicial sale are to be remitted to St. Francois.

September 21, 1763.—Let an Order issue as above prayed for, and let Monsieur Kernion, Councillor, be appointed Commissioner in this case; let the proceeds of sale be used in payment of the debts of the said St. Francois, and the surplus be remitted to him.

New Orleans, September 21, 1763. (Signed): Dabbadie.

Inventory of the effects belonging to St. Francois.

September 21, 1763.—On September 21, 1763, in the afternoon, on petition of Monsieur de Lafreniere, Procureur General of the King, and by virtue of the order, given today beneath the said petition by Monsieur Dabbadie, Commissioner General of the Marine, Intendant and First Judge of the Province of Louisiana, Monsieur Jean Francois Huchet de Kernion, Councillor of the Superior Council, appointed Commissioner on this case, accompanied by the Procureur General of the King and by the Clerk of the Council, repaired to the dwelling of certain persons named St. Francois, his wife and their daughter, who have been living in a scandalous manner, for the purpose of taking an inventory and description of the effects belonging to said parties, as well as of all papers, documents, deeds, titles and money. And the said Councillor Commissioner met at the said place Sieur Etienne Nicolas Jourdain, who had been entrusted with all said effects by the Procureur General of the King, since the aforesaid parties are kept in jail, and who produced the effects as follows:

First: in the kitchen were found seven chairs and one armchair;

Item, one bedstead, one mattress;

Item, one feather bolster;

Item, one linen cradle in bad condition, one blue cloak, some old sheets.

Item, another bedstead of cypress, another cloak in bad condition, an old basket; two bed canopies, one of calico and the other of linen: the whole very old and worn;

Item, one small tin lantern;

Item, one empty kitchen safe;

Item, six Fayence plates, some of which broken and mended;

Item, fifteen dishes, some in good, some in bad condition;

Item, one large and two small earthen jugs;

Item, one jar half full of vinegar;

Item, another jar half full of vinegar;

Item, two baskets, one large and one small;

Item, three worn out kettles;

Item, one patched frying-pan;

Item, one gridiron;

Item, one hatchet, one ax, and one tomahawk;

Item, one coal-shovel and one pair of tongs;

Item, one cellaret without key and with two flasks; one pitcher; three small flasks;

Item, three hampers, one small four-legged cypress table with a small drawer, in which were found six brass spoons, seven tin forks and one tin spoon, and three knives, the whole in bad condition; about eight pounds of lead, one iron spoon, one tin coffee-pot without lid; one brass candlestick in bad condition; one kitchen table; one iron-hooped bucket; two iron-hooped pails in bad condition; three flatirons; six empty flasks; six empty bottles; one mustard jar, four funnels, one hammer without handle; six tin spoons and one iron fork; three large and small goblets; one cut glass salt-cellar; one horn;

Item, one small jar, one empty tin box, one pair of scissors, and one small buckle;

Item, one brush, one Indian jar;

Item, two small mirrors in bad condition;

Item, two shirts for women; one man's shirt, and one towel in bad condition;

Item, one pair of wooden scales in bad condition;

Item, one gunpowder pouch; three combs in bad condition;

Item, one pair of shoes in bad condition;

Item, six tin measures of different sizes and one watering pot;

Item, one coffee grinder in bad condition;

Item, one four-legged cypress table with its drawer, in bad condition;

Item, four empty jars and two smaller ones also empty;

Item, one cypress sideboard in which were found: one calico pelisse, one gray linen sack, one cotton petticoat, and one calico corset;

Item, four pairs of stockings, one old dish-cloth, two old table cloths, one calico valance, one pair of gaiters in bad condition;

Item, five headdresses, one collar of Indian wood;

Item, one ell and a half of yellow ribbon; a half ell of used ribbon; two pieces of cotton goods; another pair of worn out

gaiters; one round flat basket; two shirts for women and one man's shirt; all in very bad condition;

Item, two men's shirts, two pairs of linen breeches, one pair of woolen breeches in bad condition, one handkerchief;

Item, one linen petticoat and one cotton petticoat;

Item, one calico skirt, one polonaise skirt, one cotton short cloak in bad condition, one pair of polonaise breeches;

Item, five shirts in bad condition; three overcoats in bad condition; one linen and one cotton petticoat in very bad condition; one dimity corset; one carpet in very bad condition;

Item, seven headdresses in bad condition; three linen handkerchiefs; one worn out calamanco waistcoat; one linen robe in bad condition;

Item, one pair of green silk worn out stockings and two pairs of linen stockings, all in bad condition; one bed valance, one pair of garters; one diapered napkin and one plain linen napkin;

Item, one old hair-pad, one pair of old gaiters, one linen belt, three knee-caps, three men's shirts, one pair of muffs, one Grenadier's hat, one woolen cap, one pair of military breeches in bad condition, and one piece of chamois leather;

Item, one chest closing with lock and key;

Item, one pair of old ear-rings, one broken gold buckle, three old canopies, one small knife, one small case, one corkscrew;

Item, one bayonet, one rusty hunting-knife.

Titles, Deeds, Documents, Papers:

First: one promissory note of Denisjoux, dated May 10, 1763, falling due at the end of August, for the sum of 396 livres—marked: ..... "A"

Item, one enlisting document of the said St. Francois—marked: ..... "B"

Item, one statement of small bills—marked: ..... "C"

Item, one promissory note of Sieur Grenadier, dated February 3, 1762, for the sum of 1762 livres—marked: ..... "D"

Item, one promissory note of Sieur Fressix for the sum of 88 livres and 15 sols—marked: ..... "E"

Item, a credit statement of Sieur Duparquet for four sausages—marked: ..... "F"

Item, a credit statement of Sieur Petit for eight sausages—marked: ..... "G"

Item, a credit statement for the sum of 27 livres—marked: ..... "H"

Item, a receipt of Sieur Petit for the sum of 508 livres, on account of a larger sum—marked: ..... "J"

Item, a credit statement of Sr. Petit for fifteen pounds of pork meat at 25 sols per pound; and a credit statement for four sausages—marked:..... "K"

Item, a credit statement of Sr. Petit for frying-meat amounting to 10 livres, and for eight sausages—marked:.. "L"

Item, a credit statement of Sr. Duparquet for eight sausages—marked: ..... "M"

Item, a credit statement of Sr. Petit for nine pounds of fresh pork meat—marked:..... "N"

Item, a credit statement of Sr. Petit for ten pounds of fresh pork meat and for two pounds and a half of sausages—marked: ..... "O"

Item, a credit statement of Sr. Petit for twenty-four sausages—marked: ..... "P"

Item, a credit statement of Sr. Petit for seven pounds and a half of pork meat and for six sausages—marked:.... "Q"

Item, a credit statement of Sr. Petit for ten pounds of pork meat—marked:..... "R"

Item, two credit statements of Sieur Duparquet for four pounds of pork meat and four sausages—marked..... "S"

Item, a credit statement of Sr. Petit for fifteen pounds of pork meat—marked:..... "T"

Item, one promissory note of Sieur Duponte, dated May 10, 1763, for the sum of 100 livres—marked:..... "V"

Item, one unsigned memorandum concerning divers debts—marked: ..... "X"

And since there was nothing else to be inventoried the undersigned Councillor Commissioner, with the consent of the Procureur General of the King, ordered that all the aforesaid effects and documents be at once removed to the Registry of the Council, in compliance with the abovementioned order, for the purpose of judicial sale. (Signed): Huchet de Kernion.

September 21.

No. 8465. 12 pp.

Laforest Succession: Procureur General petitions for the appointment of a Commissioner to affix seals and take inventory or property of Laforest.

Petition to Monsieur Dabbadie, Commissioner General of the Marine and First Judge of the Superior Council of the Province of Louisiana:

The Procureur General of the King represents that Sieur Laforest, cooper of this city, died yesterday and left a widow and some minor children.

Wherefore petitioner prays that it may please Your Excellency to appoint a Councillor of the Council as Commissioner on this case, who, in the presence of the Procureur General, might affix seals upon and make an inventory of the deceased's property.

New Orleans, September 20, 1763. (Signed): Lafreniere.

Petition granted.

September 20, 1763.—Let an Order issue as prayed for and let Monsieur Kernion, Councillor, be appointed Commissioner in this case, with authority to proceed in accordance with the above petition.

New Orleans, September 20, 1763. (Signed): Dabbadie.

Affixing of the seals.

September 21, 1763.—On September 21, 1763, on the petition of Monsieur Lafreniere, Procureur General of the Superior Council; and by virtue of the order given beneath same by Monsieur Dabbadie, Intendant and First Magistrate of Louisiana: Monsieur Huchet de Kernion, Councillor of said Council and Commissioner on this case, accompanied by the Clerk of the Council, went to the residence of the late Sieur Laforest for the purpose of affixing seals on the assets of the succession in order to protect the claims of all, present and absent, who might have an interest in same, the said assets being pointed out by Madame the widow Laforest, as follows:

First: seals were affixed upon an armoire found in the entrance room;

Item, in the same room were in full view a musket and an armchair;

Item, in another room in full view were found: two kettles, one salting-tub, one Fayence basin with its water-box, and five walnut chairs;

Item, one four-legged cypress table;

Item, one claw-footed walnut table;

Item, one clothes cabinet in which were found four silver covers, six Fayence dishes and six earthen dishes, five small earthen dishes, two cut glass salt-cellars, one Fayence teapot, one brass candlestick, one earthen water pitcher;

Item, one coal-shovel and one pair of tongs;

Item, one crib;

In the next room: two small beds for children, two featherbeds, one moss mattress, three bolsters;

Item, one gingham bed tester, two fine woolen blankets, one cypress table;

Item, two stuffed chairs;

On the gallery: two iron-hooped pails, and one iron-hooped bucket;

Item, one gridiron;

Item, two tub-stands, and one iron-hooped bathing-tub.

This having been done, all the aforesaid effects were left in the keeping of Mademoiselle Marie Josephe Adam, who voluntarily took charge of same and promised to produce them again whenever requested by the Court to do so.

(Signed): Marie Joseph Adam; Huchet de Kernion.

Family Meeting selects a tutor and an under-tutor for Madame the widow Laforest, still a minor, for Alexandre Laforest, twenty months old, and for an unborn child.

September 30, 1763.—On September 30, 1763, at five o'clock in the afternoon, before Monsieur Louis Piot Delaunay, Councillor of the Superior Council, appointed Commissioner in this case; on petition of the Procureur General of the King, dated September 28th last; and by virtue of the order of Monsieur Dabbadie, First Magistrate of the Council: appeared the following relatives and friends of the minor children of the late Sr. Laforest, in his lifetime cooper of this city, namely:

Sieur Peret, grandfather of said minors; Sieur Faucier (Fossier), father of Madame the widow Laforest; Sieur Laforest, father of the said deceased; Sieur Meilleur, godfather of Madame the widow Laforest; and Sieurs Brunet, Lenormand and Briant, friends of the said minors; for the purpose of selecting a tutor and an under-tutor for the said Laforest minors, as well as for Madame the widow Laforest, who is still a minor.

And the said appearers having promised, under oath, to give an honest and sincere opinion on the subject matter, with one voice designated Sieur Fossier as tutor for Madame Marie Josephe Fossier, widow of the said late Laforest, and for her minor son, Alexandre Laforest, aged twenty-months, and also for an unborn child, whose birth said Madame Laforest is expecting; and designated as under-tutor Sieur Gilles Alexis Connard called Laforest, father of the said defunct. And both voluntarily accepted the trust and promised to perform the duties relating to their respective offices.

(Signed): Fossier; Connard; Brunet; Lenormand; Briant; De la Place; Delaunay.

Sieurs Peret and Meilleur declared that they could neither write nor sign.

Homologation of the deliberations of the family meeting.

Whereupon the aforesaid and undersigned Councillor Commissioner, with the consent of the acting Procureur General of the King, ordered and does order that the said Sieur Fossier, father of Madame the widow Laforest, shall be the tutor of his daughter and of her minor children for the purpose of managing and administering their property and of taking care of their persons; and that Sieur Gilles Alexis Connard called Laforest, paternal grandfather of the said minors, shall be the under-tutor, in accordance with the deliberations, hereby homologated, of the family meeting. Both the tutor and the under-tutor were duly sworn in and promised to carry out the duties of their respective offices.

Done in open Court on aforesaid day, month and year.

(Signed): De la Place; Delaunay; Garic, Clerk.

Inventory and appraisal of the assets of the Laforest succession.

October 1, 1763.—The Inventory of the assets of the Laforest succession was taken at the residence of the said deceased on October 1, 1763, as follows:

First, two iron kettles, one salting-tub, one basin with its water-box, appraised for the sum of 40 liveres: 40 – –

Item, five stuffed walnut chairs, rather used, and one walnut armoire, appraised at the sum of 80 livres:.. 80 – –

Item, one claw-footed walnut table, appraised at 30 livres: ..... 30 – –

Item, one large wardrobe built in the wall, with door closing with lock and key, appraised at the sum of 50 livres: ..... 50 – –

Item, six Fayence dishes and six earthen dishes, five Fayence plates, two cut glass salt-cellars, and one Fayence teapot, appraised at the sum of 40 livres:..... 40 – –

Item, one four-legged cypress table, appraised at the sum of 15 livres:..... 15 – –

Item, one brass candlestick, one earthen water-pot, one coal-shovel and one pair of tongs, appraised at the sum of 25 livres:..... 25 – –

Item, one crib, one valance, one mattress in bad condition, one blanket, allowed for the use of the children and no appraisement given—for memorandum—

Item, two small cypress beds, one featherbed, one moss mattress, two bolsters, one painted linen valance, one ticking cradle, and one woolen blanket: left for the use of Madame the widow Laforest and no appraisement given—for memorandum—

Item, another featherbed, one blanket, one small cypress bed, one bolster, appraised at the sum of 150 livres: ..... 150 – –

Item, two pails, one small bucket, two large buckets, one bath-tub, all iron-hooped, and appraised at the sum of 150 livres:..... 150 – –

Item, about 1000 staves, appraised at the sum of 150 livres:..... 150 – –

Item, one trunk in bad condition, one walnut dresser with three drawers, appraised at the sum of 150 livres:.. 150 – –

Item, four new walnut chairs, one four-legged cypress table, appraised at the sum of 30 livres:..... 30 – –

Item: In the cooper's shop were found: two double-handled knives, appraised at 30 livres:..... 30 – –

Item, two curved knives, one bottom scraper, a hatchet, two gouines, one ax-hammer, appraised at 95 livres: ..... 95 – –

Item, one forceps, two center-bits, one joiner's grooving-plane, appraised at 70 livres:..... 70 – –

Item, fifteen iron hoops, appraised at 50 livres:.... 50 – –

Item, six old casks, two unhooped hogsheads, fifteen quarts, some new and some used, appraised at 150 livres: ..... 150 – –

Item, twenty bunches of wickers, appraised at 50 livres: ..... 50 – –

Item, one fret-saw and one pit-saw, appraised at 60 livres:..... 60 – –

Item, one turning-lathe, one mortise-chisel, two verlappes, one sledge-hammer, appraised at 25 livres:.... 25 – –

Item, two sawing-trestles, appraised at 20 livres:.... 20 – –

Item, four silver covers weighing altogther two marcs and three ounces, no appraisement given—for memorandum—

Item, five white linen shirts and two white linen trimmed shirts, appraised at 150 livres:..... 150 – –

Item, one white jacket, one sleeveless waistcoat, five pairs of large breeches, some of linen and some of cotton, all in rather bad condition, appraised at 40 livres: ..... 40 – –

Item, four pairs of breeches of silk and velvet in bad condition; one calamanco dress-coat, one velvet waist coat, in bad condition, appraised at 130 livres:..... 130 – –

Item, one bad painting, one small mirrow, one cotton jacket, four collars in bad condition, appraised at 50 livres: ..... 50 – –

Item, one promissory note of Mr. Favre in favor of the said deceased for the sum of 1162 livres and 10 sols—for memorandum—marked:..... "A"

Item, one pair of compasses with its case, one hat in bad condition, four pairs of linen and cotton stockings in bad condition, one pair of shoes in bad condition, one small hammer, one small cut glass flask, one tin cork, seventeen empty bottles, four goblets, one cut glass drinking glass, appraised at 50 livres:..... 50 – –

Item, five sheets rather used, four napkins in bad condition, two linen tablecloths, appraised at 60 livres:.. 60 – –

Real Estate:

Item, one lot of ground situated on Royal Street measuring forty-five feet front by a depth of seventy-five feet;

Item, on said ground stands a house of brick between posts, with a double chimney, with ceilings and floors, with iron-trimmed doors and windows, with a gallery in the rear and one closet on the gallery, the said house measuring thirty feet in length by eighteen feet in width; on same ground stands also a kitchen in bad condition—for memorandum—

Item, one double-door cypress armoire closing with lock and key, appraised at 40 livres:..... 40 – –

Item, one negress named Jeannette, thirty years old, and her daughter Marie, eighteen months old, appraised at 4500 livres:.....4500 – –

Liabilities:

First: Madame the widow Laforest declared that she was indebted to Madame Doussain in the sum of 75 livres.....—for memorandum–

Item, she declared also that the succession owed to Mr. Fossier, her father, the sum of 3000 livres for divers merchandise furnished and for money loaned by him to the said deceased:.....—for memorandum–

Item, she stated that there was nothing due to the succession.

Documents, Deeds, Titles, Papers:

First: a certified copy of marriage contract between the deceased and the said widow Laforest, executed before Master Chantalou, on December 24, 1760.

The foregoing being all that was found there to be inventoried, and Madame the widow Laforest having declared, under oath, that nothing had been concealed or taken away, the undersigned Councillor Commissioner closed the present inventory with the consent of Mr. De Laplace, acting Procureur General of the King, and in the presence of the aforesaid tutor and under-tutor; and all the said effects were entrusted to the care of Sieur Fossier, tutor, who took charge of same and promised to produce them whenever requested by the Court.

(Signed): Fossier; Connard; De la Place; Adam daughter; Bary; Delaunay; Garic, Notary.

September 21.

No. 8466. 2 pp.

Sale of a Negress by Jean Claude Mortall to Guillaume Guerin called St. Aubin; and transfer by Guerin to Mortall of all interest in a runaway slave as part of the consideration of the sale.

Before the undersigned Counselor and Royal Notary of the Province of Louisiana, residing in New Orleans, and in the presence of the witnesses hereinafter mentioned and undersigned, personally appeared Sieur Jean Claude Mortall, a resident of this city, who, by these presents, acknowledged to have this day sold, abandoned and delivered to Sieur Guillaume Guerin called St. Aubin, inhabitant of the Post of Pointe Coupée, at present in this city, who also appeared and expressed his acceptance in his own behalf and for his heirs and assigns, a negress named Catherine, about twenty-six years old, a Creole of this colony, for the price and sum of 400 silver piastres payable in letters of exchange on the Treasurer General of the Marine; half of said amount to be paid by the purchaser to the vendor before Christmas, and the remaining half to be paid during the month of October of the next year, 1764; furthermore, the said purchaser ceded and transferred to the said vendor, a negro from Guinea, named Louis, about twenty-five years old, who is at present, and for the past three days has been a runaway slave, according to the declaration made this date by his said owner; and this transfer is made on the condition that said negro Louis return and is delivered to Sieur Maxent on or before next October, otherwise Sieur Guillaume Guerin promised and bound himself to pay to Sieur Mortall the sum of 1000 livres in silver piastres, to be paid during the month of October next, in security whereof he granted a mortgage on all his property, present and future, and elected domicile in his residence at the Post of Pointe Coupée, where all acts required for the execution of these presents shall be passed and served.

Done and passed in the Notarial Office of this city on September 21, 1763, in the morning. Witnesses: Sieurs Joseph Becat and Pierre Gauvin.

(Signed): Mortall; Jh. Becat; Gauvin, Jr.; Graic, Notary.

Sieur Guerin declared that he could neither write nor sign.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 21.

2 pp.

Chantalou vs. Grevenber: Defendant seeks order directing plaintiff to accept colonial currency in payment of a loan.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Jean Baptiste Grevenber, residing near this city, humbly answers and represents: That in the year 1760 he borrowed from Sieur Chantalou the sum of 52,174 livres, which, together with the sum of 7826 livres, for three years of interest, makes a total of 60,000 livres in colonial currency, which respondent had bound himself to pay in France;

That at the close of the war the Court issued orders to the effect that letters of exchange could be given in exchange for the paper currency used in this colony;

That the delay in the issue of said letters of exchange is the cause of respondent being unable to make the said remittance to the plaintiff in France;

That petitioner is ready to settle his indebtedness and to repay the plaintiff by means of the same specie he received when the loan was executed; and this could not be detrimental to the plaintiff, since the latter will be able to secure letters of exchange when these will be issued.

Wherefore respondent prays that it may please Your Excellencies to order that Sieur Chantalou be summoned at the first session of the Council and be directed to receive the said sum of 60,000 livres, in colonial currency, for like amount due him by respondent in settlement of loan and interest. And justice will be done.

New Orleans, September 21, 1763. (Signed): Grevenber.

Permit to cite.

September 22, 1763.—Permit to summon to appear at the first session of the Council. September 22, 1763. (Signed): Dabbadie.

Citation served.

September 23, 1763.—Citation served on September 23, 1763, by the Sheriff of the Council on Monsieur Augustin Chantalou to appear before the Council on the first Saturday of the next month of October. (Signed): Bary.

September 22.

No. 8468. 22 pp.

Jean Jacques Blaise Dabbadie, Councillor of the King's Councils, Commissioner General of the Marine, Intendant and First Judge of the Superior Council of Louisiana:

De Mazan vs. De Reggio: Dabbadie orders Garic, Chief Clerk of the Superior Council, to have a survey made in the case.

Sieur Garic, Chief Clerk of the Superior Council, is hereby ordered to repair to the plantations of Sieurs de Reggio and de Mazan, to cause jointly with Monsieur Lesassier, Commissioner appointed in this case, a survey of said plantations to be made as prayed for by Sieur De Reggio.

Given at New Orleans, on September 22, 1763. (Signed): Dabbadie.

Procès-verbal of the survey of the plantations of Sieurs De Reggio and De Mazan, made by Surveyor General Olivier Devezin.

September 23, 1763.—On September 23, 1763, at nine o'clock in the morning:

Considering the petition presented by Mr. de Reggio, former Captain of Infantry, to Monsieur Dabbadie, Intendant and First Magistrate of the Superior Council of Louisiana, said petition praying for an order directing Mr. Olivier, Inspector of Highways and Sur-

veyor General of the King in this colony, to proceed to the plantation of said Sieur de Reggio and to make a correct survey of his land and of the land of Mr. de Mazan, Knight of the Royal and Military Order of St. Louis, according to the titles of each property, and to mark down the boundaries, ditches and trees that showed the former confines; and to make also an exact survey of the high land bought in common by Mr. de Reggio and Mr. de Mazan, and still undivided between them; the said petition seeking also permit to summon the Ursuline Nuns and Madame de Mandeville to be present at the survey of the boundaries of their properties: the whole to be executed before the Councillor of the Council whom it would please Mr. Dabbadie to appoint for such purpose;

Considering the order issued on September 16th last by Mr. Dabbadie beneath said petition, directing Sieur Olivier to make the said survey in the presence of Monsieur Lesassier, Councillor Assessor, appointed Commissioner on this case, and granting permit to summon the Ursuline Nuns and Madame de Mandeville;

Considering the order given in writing by Mr. Dabbadie to Master Garic directing him, in his capacity of Chief Clerk of the Council, to repair also to the aforesaid place to perform the duties of his office;

Considering the opposition filed on September 20th by Mr. de Mazan to the petition of Mr. de Reggio;

Considering the other petition filed by Mr. de Reggio insisting on his request in spite of Mr. de Mazan's opposition, and in compliance with the said owner of Mr. Dabbadie of September 16th;

Considering the other order rendered on September 21st by Mr. Dabbadie directing that, despite Sieur de Mazan's opposition, the King's Surveyor should proceed with the work in the presence of the Commissioner appointed on the case, as well as of the Ursuline Nuns and of Madame de Mandeville, all of whom were duly summoned to attend; the said petition and order having been served on Mr. de Mazan by the Sheriff of the Council;

Considering also a grant, dated March 14, 1725, concerning eight arpents of land by a depth of fifty arpents, made to Mr. Fleuriau, in his lifetime Procureur General of the King in this Colony;

Considering another grant relative to six arpents of land in favor of the late Mr. Morand, dated December 18, 1727, and the act of sale of the said six arpents by Sieur de Morand to Sieur Fleuriau, passed before Master Rossard, Royal Notary, on November 23, 1728;

Considering the act of sale of Madame Thereze Dupré, wife of Jacques Livet, duly authorised by him, to Sieurs Fleuriau and Ponfrac Chevalier de Mazan, concerning a parcel of land situated at La Pointe St. Antoine, near the old village of the Chaouachas, and dated March 11, 1750.

All the foregoing considered, Monsieur Charles Lessassier, Councillor Assessor of the Superior Council, appointed Commissioner in this case, assisted by Mr. Jean Baptiste Garic, Chief Clerk of said Council, left New Orleans at nine o'clock in the morning of the said day, for the purpose of repairing to the places in question, two leagues distant from this city, and reached his destination at eleven o'clock.

And there personally appeared before him the said Mr. Francois de Reggio, former Captain, and his wife, Madame Helene Fleuriau, duly authorised by him, who stated that they had a suit against Mr. Balthazar de Ponfrac Chevalier de Mazan, before the King's Privy Council, concerning the boundaries and limits of their plantations, as Sieur de Mazan had considerably encroached upon their property; and that it was necessary, for their defense and in order to secure documentary evidence, to cause a survey of the land to be made.

And appeared also Monsieur Olivier, Inspector of Highways and Surveyor General, who stated that by virtue of the abovementioned order of Mr. Dabbadie he had come there for the purpose of making the said survey;

And also appeared Madame de Mandeville, duly summoned to be present at the said proceedings;

And also appeared Mr. Labrosse, acting under procuration and in the name and behalf of the Ursuline Nuns, to assist in said proceedings and to protect the interests of the Nuns, as their land adjoined the property of Mr. de Mazan.

Upon request of Sieur de Reggio also appeared Messrs. de Lagotheray, former Captain of Infantry; De la Barre, former officer of Cavalry and Coast-guard Captain; and Darby, inhabitant of this colony, to witness the said proceedings and to certify to same, in case of need.

Also appeared Sieur Bijeoux, clerk in the Highways and Surveys Bureau, to assist and help the said Inspector in making the survey.

The abovementioned Commissioner, having previously put in default Sieur de Mazan, who failed to appear and who was not represented, gave order that the survey be proceeded with at once.

Whereupon Madame de Mandeville explained and offered proof of the boundaries dividing her land from the property of Sieur de Reggio, stating that her plantation measured sixteen

toises from Sieur de Reggio's property to the bank of the River St. Louis, at the foot and outside the levee which is used as a Royal Highway; and Sieur de Reggio's property measured sixty toises from the above land, by a depth of more than ten arpents, between two drainage ditches.

On the basis of said information and by means of surveyor's instruments the old landmarks were found and were acknowledged by Madame de Mandeville and corresponded with the boundaries marked C and D in the Survey Book of the late Broutin, in his lifetime Engineer of the King; it is therefore east of the said boundary line dividing the plantation of Madame de Mandeville from that of Mr. de Reggio, that the survey must be started.

(Translator's Note.—The detailed and technical exposition of the survey fills eighteen pages in very small handwriting, showing that the work was carried out in eight sessions, namely: on September 23rd, 24th, 26th, 29th, 30th, and October 14th. To the minutes of each session the following signatures were affixed: (Signed): De Reggio; Fleuriau De Reggio; Olivier Devezin; Lagautrais; Darby; Delabarre; Lessassier; Garic, Clerk.—G.L.)

And on October 14, 1763, at five o'clock P.M., the said Councillor Commissioner, accompanied by the Clerk, returned to the city of New Orleans, the place of their residence, where they arrived at eight o'clock P.M.

Done in New Orleans, October 17, 1763. (Signed): Lessassier; Garic, Clerk.

All pages are paraphed at top and bottom by Lessassier.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 24.

3 pp.

Pierre Simon, Jr., acting for his father of Rouen, vs. Jean Arnoult: Suit on judgment obtained in La Rochelle, France, against Arnoult and Boulard, in Solido.

Petition to Monsieur Dabbadie, Councillor in the King's Councils, Commissioner General of the Marine, Intendant and First Judge of the Superior Council of the Province of Louisiana:

Sieur Pierre Simon, Jr., at present in this city, and acting under procuration of Pierre Simon, Sr., his father, merchant of Rouen, humbly represents:

That he is the bearer, in his aforesaid capacity, of a bill of exchange, herewith annexed (not in file), for the sum of 2000 livres, drawn at Parthvay on January 4, 1754, by Sieur Ledain upon Sieurs Jean Arnoult, Jr., and Boulard, merchants, at that time, in La Rochelle, and accepted by them;

That at its maturity, on January 10, 1756, the said bill of exchange was duly protested for non-payment, as evidenced by the certificate, herewith annexed (not in file), of the Sheriff of La Rochelle; and the protest was followed by a sentence, dated February 11, 1756, rendered by the Court of the Consular Jurisdiction of La Rochelle, condemning Sieurs Arnoult and Boulard solidarily to pay the aforesaid sum, together with interest, expenses and costs;

That said sentence, also herewith annexed (not in file), was duly served, on February 13th, upon Sieurs Arnoult and Boulard at their elected domicile, at the residence of Sieur Pesrier at La Rochelle;

That petitioner made demand on Sieur Arnoult for the payment of the amount above specified, and the latter offered payment in colonial currency, refusing to settle the obligation by means of French specie or letters of exchange;

That, in view of the fact that the obligation was contracted in France, petitioner prays that it may please Your Excellency to allow him to summon Sieur Arnoult before Your Excellency, on such day and hour as it may please Your Excellency to fix, and to condemn Sieur Arnoult to pay petitioner the said amount in French money or by letters of exchange drawn on the Royal Treasury of Paris; and to pay also all the costs of the present petition. And justice will be done.

New Orleans, September 24, 1763. (Signed): Simon.

Permit to cite.

September 27, 1763.—Permit to cite at the first session of the Council. New Orleans, September 27, 1763. (Signed): Dabbadie.

Citation served.

September 28, 1763.—Citation served on September 28th, at the request of Pierre Simon, Jr., by the Shreiff of the Superior Council upon Jean Arnoult, inhabitant of this colony, at his domicile in this city, at the residence of Sieur Dupart, his father-in-law. (Signed): Bary.

September 24.

No. 8469. 2 pp.

Procuration granted by Francois Hery Duplanty to Paul Augrau, for the management of the business connected with the operation of the schooner "La Legere", owned by said Duplanty, and captained by Augrau.

Before the undersigned Counselor and Royal Notary of the Province of Louisiana, residing in New Orleans, appeared Sieur Francois Hery Duplanty, owner of the schooner "La Legere", now in this port, who, by these presents, constituted as his general and special attorney Sieur Paul Augrau, Captain of said schooner, to whom he granted power and authority to manage and administer the business relating to the schooner and its cargo, this to be disposed of at such prices and under such conditions as the constituted attorney might deem convenient, and the proceeds of sale to be used, when he shall reach Cap Francais, St.

Domingo, in the manner he will consider most advantageous; the constituted attorney is also empowered to take freight, and even to sell the said schooner, should such sale appear to him to be to appearer's advantage; to use the proceeds of the said eventual sale for the purchase of another vessel, if considered convenient, and to load same in the interest of both and for any port of destination; and to do and undertake anything he may deem advisable to their common advantage: promising to accept as satisfactory and to approve and ratify all that will be executed by the constituted attorney by virtue of these presents.

Done and passed in the Notarial Office of this city on September 24, 1763, in the presence of Sieurs Joseph Becat and Pierre Marin Bary, competent witnesses.

(Signed): F. Hery; Jh. Becat; Bary; Garic, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 24.

No. 8470. 1 p.

Deposit in Registry of 1700 livres, due various persons in St. Domingo, by De Bellenoz, who is about to leave for France, and who requests the Clerk to remit the amounts due them.

On September 24, 1763, in the morning, at the Registry of the Superior Council appeared Sieur de Bellenoz, former Captain and Knight of the Order of St. Louis, who declared that he was about to leave for France, and did not know how to remit a sum of 1700 livres due by him to divers persons of St. Domingo, to-wit: 1000 livres to Mr. de Lory, merchant of Cap Francais; 280 livres to Mr. La Roque, Clerk of said jurisdiction; 240 livres to Mr. de La Lane, Treasurer at Cap Francais; and 180 livres to Mr. Cendré, innkeeper; therefore the said appearer requested the undersigned, Clerk of the Council, to receive the aforesaid amount in deposit at the Registry, and to remit the amount due to each of abovementioned persons, on demand; and the undersigned accepted and received the specified sum and did hereby acknowledge that the said appearer delivered him 1700 livres, in letters of exchange drawn on the Treasury of the Colonies, and granted the appearer a certified copy of the present act, in compliance with his request.

Done and passed in New Orleans, on said day, month and year.

(Signed): De Bellenoz, Garic, Clerk.

Notation of payment of various creditors of De Bellenoz.

Mr. Lory was paid by the undersigned Notary the sum of one thousand livres; and Mr. La Roque, Clerk of Cap, was paid the sum of two hundred and eighty livres; the receipt of Mr. Lory and the promissory note of Mr. Belnoz are kept among the records of the undersigned Notary.

(Signed): Garic.

(Signed, in margin): Devergés; De Reggio; Ducros.

September 26.

No. 8471. 1 p.

Ratification by Jean Baptiste Senet of a discharge granted by him when he was not yet of age, and without being authorized by his curator, in settlement of the succession of his father.

On September 26, 1763, in the afternoon, before the Royal Notary of the Province of Louisiana, residing in New Orleans, appeared Sieur Jean Baptiste Senet, inhabitant of this colony, who, having previously settled the succession of the late Senet, his father, with Sieur Daniel Raflaud, his grandfather, who also appeared and signified his approval; and having previously received the amount due him from said succession, verified and approved by an order of the Superior Council dated July 3, 1758; and having granted his discharge before Monsieur Chantalou, former Notary, on July 15, 1758, although without the proper authorisation of Sieur Drouet, his Curator, as he had not, at that time, attained full age:

By these presents the said Sieur Senet ratified and does ratify the aforesaid discharge, executed before Mr. Chantalou, so that it might obtain its full force and effect; and he again declared that he granted full release to Sieur Daniel Raflaud.

Executed on above date in the Notarial Office of this city, in the presence of Sieurs Joseph Becat and Louis Drouet, duly qualified witnesses, residing in this city.

(Signed): Senet; Drouet; Jh. Becat; Garic, Notary.

Daniel Raflaud stated that he could neither write nor sign.

(Signed, in margin): Devergés; De Reggio; Ducros.

September 26.

No. 8472. 2 pp.

Contract between Boré and Baudon according to which Baudon agrees to operate Boré's sugar-mill and distillery, and to train two negroes.

Before the undersigned Counselor and Royal Notary of the Province of Louisiana, residing in New Orleans, appeared, on one side, Monsieur Boré, Captain of the Militia, inhabitant of this colony; and, on the other side, Monsieur Guillaume Baudon.

The appearers agreed upon the following, namely:

Guillaume Baudon bound and obligated himself to stay on Sieur Boré's plantation for three years in succession, starting from October 1, 1763, and ending on October 1, 1766, for the purpose of operating the sugar-mill in manufacturing sugar and in distilling of rum, tafia and koom; and Sieur Boré promised and obligated himself to give Sr. Baudon one-ninth of all that will be produced both in the sugar-mill and in the distillery, the said share of one-ninth to be calculated every year. Furthermore, Sr. Boré bound himself to supply Sr. Baudon, during the aforesaid term of three years, with food, clean linen and medicines.

Sieur Baudon also promised and obligated himself to teach two negroes, sent for that purpose by Sr. Boré, how to operate

the sugar-mill and the distillery, for the same term of three years, in consideration of the sum of 2000 livres, which Sr. Boré promised to pay at the end of the three years in letters of exchange or in currency, on condition that the said two negroes have learned the trade.

And, in security of these presents, the two contracting parties granted each other a mortgage on all their property, present and future.

Executed in the Notarial Office of this city, on September 26, 1763, in the afternoon, in the presence of Sieurs Joseph Becat and Pierre Marin Bary, duly qualified witnesses, who signed together with the contracting parties and the Notary.

(Signed): Boré; Jh. Becat; Garic, Notary.

Signature of Baudon, one of the contracting parties, and of Bary, the other witness, are missing.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

Paraphed by Garic at bottom of first page.

September 26.

No. 8455. 7 pp.

Louis and Auguste Dutisné, about to sail for St. Domingo, and in need of money, petition for an order directing Ducros, Attorney for Vacant Estates, to deliver to them 6000 livres, entrusted to his keeping and belonging to Girardeaux, their brother, now in Illinois; petitioners offering valid security to be approved by the Procureur General of the King.

Petition to Monsieur De Labady (Dabbadie), Councillor of the King, Commissioner General of the Marine, Intendant of Louisiana, First Judge of the Superior Council of said Province:

Sieurs Louis and Auguste Dutisnay, brothers, officers on half pay, have the honor to represent: That they have planned to go to St. Domingo by the first vessel sailing from this port and that they need 4000 livres, current coin, to purchase various necessities and to settle some debts contracted in this colony;

That Sieur Ducros, Attorney for Vacant Estates, holds in trust about 6000 livres, current coin, belonging to Sieur Girardeaux, their elder brother, at present in Illinois; and petitioners request that it may please Your Excellency to order Sr. Ducros to deliver the said sum to them, upon their giving good and valid security for his discharge, the said security to be accepted also by the Procureur General of the King, acting in behalf of all absentees.

New Orleans, September 21, 1763. (Signed): Dutisnés; Le Chr. Dutisnés.

Petition referred to the Procureur General.

September 23, 1763.—Let the Above petition be referred to the Procureur General of the King, who will submit his recommendations to the Court. New Orleans, September 23, 1763. (Signed): Dabbadie.

Procureur General consents to the payment of 4000 livres to petitioners, who shall furnish surety and pay 5% interest.

September 23, 1763.—In the King's name, I recommend that Sieur Ducros, Attorney for Vacant Estates, and in charge of the personal affairs of Sieur Girardeau, officer in Illinois, deliver to Sieurs Dutisnet brothers, in conformity with the order that will be issued by Monsieur Dabbadie, First Judge of the Superior Council, the sum of 4000 livres, current coin of this country, provided Sieur Ducros exacts that the said Dutisnet brothers be responsible in solido for the payment of said amount and interest at the rate of five per cent per annum, and furnish good and sufficient surety. New Orleans, September 23, 1763. (Signed): Lafreniere.

Dabbadie's order in accordance with recommendation of the Procureur General.

September 23, 1763.—Let an Order issue in accordance with the recommendations of Monsieur the Procureur General. New Orleans, September 23, 1763. (Signed): Dabbadie.

Documents served on the Attorney for Vacant Estates.

September 23, 1763.—On September 23, 1763, at the request of Sieurs Louis and Auguste Dutisnés, and by virtue of the above order, copies of the aforesaid petition, order and conclusions of the Procureur General of the King were served by the Sheriff of the Council on Sieur Ducros, Attorney for Vacant Estates and charged with the personal affairs of Sieur Girardeau, so that Sieur Ducros might not claim ignorance of said documents. (Signed): Bary.

Act of Mortgage to secure loan of 4000 livres.

September 26, 1763.—On September 26, 1763, in the morning, before the Royal Notary of the Province of Louisiana, residing in New Orleans, appeared Sieurs Louis and Auguste Dutisnay, officers on half pay of this colony, who, by virtue of the order issued on September 23rd by Monsieur Dabbadie, First Magistrate of the Superior Council, upon the conclusions of the Procureur General of the King, by these presents acknowledged and confessed to have received this day from Sieur Ducros the sum of 4000 livres, currency of this colony, for which the said appearers discharged Sr. Ducros, and promised to have him released also towards whomsoever else it may concern, and especially towards Sieur Girardeau, their brother; and in order to secure the restoration and reimbursement of said amount, the Dutisnés brothers solidarily granted

a mortgage on all their property, movable and immovable, present and future, and presented as their guarantor, Sieur André Jung, officer, who voluntarily appeared and granted likewise a mortgage on all his property, present and future.

Done and passed in the Notarial Office of this city, in the presence of Sieurs Joseph Becat and Marin Bary, competent witnesses.

(Signed): Dutisnés; Le Chr. Dutisnés; Ducros; Bary; Jh. Becat; Jung; Garic, Notary.

Releases granted in connection with the above transaction.

August 9, 1764.—Before the Royal Notary of this city personally appeared Sieur Ducros, who voluntarily released Sieur Jung from the security offered by him in reference to the sum of 4000 livres paid by Sieur Ducros to Sieur Dutisnés, who also appeared and declared to have paid back and returned the said amount to Sieur Girardeau, also present, who acknowledged to have received the said sum of 4000 livres and granted full release to whomsoever it may concern.

Done and passed in the Notarial Office of this city on August 9, 1764, in the presence of Sieurs Gauvin and Becat, witnesses, who signed the present act together with the interested parties and the Notary.

(Signed): Ducros, Le Chr. Girardo; Jung; Dutisnés; Garic, Notary.

The signatures of the witnesses are missing.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

September 26.

No. 8473. 1 p.

Discharge by Daniel Rafleau to Louis Drouet for price of a slave and for money loaned.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, appeared Sieur Daniel Rafleau, a resident of this colony, who, by these presents, confessed and acknowledged to have received this day from Sieur Louis Drouet, his son-in-law, the sum of 4000 livres, representing the price of a creole negro named Hubert, which he formerly sold and delivered to his son-in-law; and the said Sieur Rafleau confessed and acknowledged furthermore to have received from the said Sieur Drouet the sum of 1000 livres loaned and paid him in colonial currency; and for the said amounts he granted full release to Sr. Drouet, and promised to have him discharged also towards whomsoever else it may concern.

Executed in the Notarial Office of this city on September 26, 1763, in the presence of Sieurs Joseph Becat and Pierre Marin Bary, duly qualified witnesses.

(Signed): Jh. Becat; Bary; Garic, Notary.

Daniel Rafleau stated that he could neither write nor sign.

(Signed, in margin): Devergés; De Reggio; Ducros.

September 27.

No. 8475. 17 pp.

Succession of Paul Rasteau: Raguet, acting Procureur General of the King, petitions for appointment of a Curator for the Rasteau succession following the renunciation and abandonment of the succession by Widow Rasteau.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Sieur Raguet, acting Procureur General of the King, represents that seals were affixed, by order of the Court, to the effects belonging to the succession of the late Sieur Paul Rasteau, merchant of this city; and that Madame the widow Rasteau, without waiting for the raising of the seals to ascertain the status of the succession, has filed a renunciation and abandonment of same, and requested that a Curator be appointed to take care of and administer and liquidate the said succession.

Whereupon the Procureur General requests that it may please Your Excellencies to appoint a person, who, in his capacity of Curator, will be active and vigilant in the management and settlement of the said succession; and also requests that an order be issued directing that seals be raised and an inventory of the assets of the succession be taken in the presence of the Procureur General of the King, of the creditors and of all interested persons; the said assets to be entrusted in the keeping of the Curator, who shall account for same to whom it may concern; it being understood that a reasonable fee will be allowed said Curator for his care and trouble in the liquidation of the succession.

New Orleans, May 30, 1748. (Signed): Raguet.

Augustin Chantalou appointed Curator.

June 1, 1748.—Considering the above petition and the renunciation made on May 27th last by the widow of Sieur Paul Rasteau, the Council appointed and does appoint Monsieur Augustin Chantalou as Curator of said succession to take charge of the assets now under seals, which seals will be raised forthwith in the presence of the creditors and all interested persons; this to be executed before Monsieur Kernion, Councillor Assessor, and in the presence of the Procureur General of the King; and later on the appointed Curator shall render an account of the aforesaid assets to whom they may lawfully belong.

Given in the Council-chamber on June 1, 1748. (Signed): D'Auberville.

Account of the Paul Rasteau succession, rendered by Chantalou to Garic.

(*Note:*—This rendering of account takes place fifteen years after the opening of the succession; and then it was hastened by an order of Court.)

September 27, 1763.—Account rendered by Mr. Chantalou, in his capacity of Curator of the succession of the late Paul Rasteau, having been appointed by virtue of an order of the Superior Council, dated June 1, 1748:

To Sieur Garic, Clerk of the Council, in compliance with the order of September 6th instant, served upon the Accountant on September 20th by Bary, Sheriff; the whole to take place before Monsieur De Launay, Councillor, appointed Commissioner on this case, and in the presence of the Procureur General of the King.

In order to understand the present account the Accountant prays that it may please the aforesaid Gentlemen to observe that the above-mentioned late Sieur Paul Rasteau, merchant in this city from 1736 to 1747, was compelled to make several voyages, and left his credits to be collected:

First: by his clerk, Sieur Herbert, known by all for his bad conduct; and then by Sieur Sevet; and in the year 1747, as he was called away, he granted power of attorney to the Accountant to collect as many of his accounts as it was possible, from ill-kept books, with the result that, when the Accountant made demand on various debtors for payment, many answered that they owed nothing, and others presented, for their discharge, some receipts issued by the aforesaid clerk; in fine, on account of such a disordered condition of the books, Monsieur Le Normand, at that time the Commissioner General Intendant in this province, forbade in open Council that the Accountant should try to make any collections for account of the said succession. The Accountant has nevertheless received the following funds, of which he has taken charge, part of which was paid him in specie and part in colonial paper currency:

First: Receipts in Specie:

The sum of 8780 livres and 10 sols, representing the proceeds of sale of negroes and effects entered in the inventory, which was made on June 6, 1748, and on the following days, when it was ascertained that Sieur Rasteau had perished in a shipwreck:	8780–	10–
The sum of 1000 livres received from Madame the widow Marin for a promissory note payable to the order of Sieur Coupry and entered in the Inventory under the mark "K":	1000–	–

The sum of 8035 livres representing the deceased's credit at Pensacola, and for the collection of which the Accountant was authorized by the Council to grant power of attorney to Sieur Gonzalles, who made remittance of the said amount in several installments:	8035–	–	
Total of Receipts in Specie:	17815–	10–	

Disbursements in Specie:

The sum of 19 livres paid to Le Normand, Sheriff, as evidenced by the annexed receipt (not in file):	19–	–	
The sum of 5 livres to Deslattes, carpenter, for repair of armoire belonging to succession; as per receipt:	5–	–	
The sum of 5 livres paid to a drayman for moving effects of the succession to the Registry; as per receipt:	5–	–	
The sum of 740 livres and 10 sols, paid to Sieur Henry, Clerk, for Court costs, as per receipt:	740–	10–	
The sum of 4200 livres paid to Madame the widow Rasteau, in execution of the order of the Council of September 7, 1748, as per receipt:	4200–	–	
The sum of 17 livres and 10 sols, paid to Le Normand, Sheriff:	17–	10–	
The sum of 15 livres paid to the Clerk:	15–	–	
The sum of 14 livres paid to the Sheriff:	14–	–	
The sum of 17 livres and 10 sols paid to the Sheriff:	17–	10–	
The sum of 10 livres paid to the Sheriff:	10–	–	
The sum of 17 livres and 10 sols paid to the Sheriff:	17–	10–	
The sum of 10 livres paid to the Sheriff and Clerk:	10–	–	
The sum of 35 livres paid to the Sheriff and Clerk:	35–	–	
The sum of 17 livres and 10 sols paid to the Clerk and Sheriff:	17–	10–	
The sum of 1791 livres and 10 sols, due to the Accountant for collection at the rate of ten per cent:	1791–	10–	
Total disbursement in specie:	6925–	–	

Recapitulation:

Receipts in specie:.....17815 liv. 10 sols
Expenditures in specie:..... 6926 liv.

Net receipts: .....10890 liv. 10 sols

Therefore the receipts exceed the expenditures by the sum of 10,890 livres and 10 sols. Errors excepted.

Receipts in Colonial Currency:

The sum of 50 livres and 10 sols received from Sieur Voisin, Jr., for his promissory note, entered in Inventory:.....	50–	10–	
The sum of 234 livres received from Sieur Bellomé for his primissory note; marked "G":....	234–	–	
The sum of 500 livres received from Sieur Hugon for his promissory note, marked "ZZ":.....	500–	–	
The sum of 462 livres and 12 sols recevied from the Livet succession, according to document marked "&&":	462–	12–	
The sum of 1343 livres, 12 sols and 5 deniers received from Sieur Vollant:.....	1343–	12–	5–
The sum of 3668 livres, 5 sols and 3 deniers received from the succession of Monsieur and Madame Fazende:	3668–	5–	3–
The sum of 3522 livres and 6 sols received from Mr. De Monberault:.....	3522–	6–	
The sum of 65 livres received from Mr. Christina, as per document marked "NNNN":.....	65–	–	
The sum of 27 livres received from the Blandain succession as per document marked "&&&&":	27–	–	
The sum of 85 livres received from Mr. Judice, according to document marked "2":.....	85–	–	
The sum of 660 livres and 12 sols received from the De Noyan succession, according to document marked "3":.....	660–	12–	
The sum of 64 livres and 5 sols received from the De Noyan succession, according to document marked "4":	64–	5–	
The sum of 340 livres from Monsieur Dumanoir, as per document marked "6":.....	340–	–	
The sum of 112 livres received from Sieur Desillets, according to document marked "8":.....	112–	–	

The sum of 119 livres and 7 sols received from Sieur Santilly, according to document marked "11":	119–	7–	
The sum of 350 livres received from Mr. De Chavoy, according to document marked "13":	350–	–	
The sum of 4577 livres, 12 sols and one denier received from Sieur Texerrant, as per document marked "19":	4577–	12–	1–
The sum of 200 livres received from Sieur Lathiolais, as per document marked "23":	200–	–	
The sum of 1006 livres received from Sieur Gonzalles, as per document marked "24":	1006–	–	
The sum of 1495 livres, 2 sols and 6 deniers received from Sieur Dubois, according to document marked "25":	1495–	2–	6–
The sum of 41 livres received from Sieur Castang, according to document marked "66":	41–	–	
The sum of 133 livres, 13 sols and 9 deniers received from Sieur Henry Buquoy called Plaisance, according to document marked "67":	13–	13–	9–
The sum of 150 livres received from Sieur André Carriere, as per document marked "68":	150–	–	
The sum of 52 livres received from Sieur Boisseau, according to document marked "71":	71–	–	
Total Receipts in Colonial Currency	19259–	18–	6–

Disbursements in Colonial Currency:

The sum of 400 livres paid to Sieur Connard, in compliance with the order of the Superior Council of February 5, 1757, according to discharge of April 7, 1757:	400–	–	
The sum of 17 livres and 10 sols paid for Court costs in the Connard suit:	17–	10–	
The sum of 1925 livres and 18 sols for commission on the above collections in colonial currency, in the total amount of 19259– 18– 6, at the rate of ten per cent:	1925–	18–	
The sum of 100 livres for copy of the present account:	100–	–	
Total disbursement in colonial currency	2443–	8–	

Recapitulation:

Receipts in colonial currency:	19259 liv.	18 sols	6 den.
Disbursements in colonial currency	2443 liv.	8 sols	
Total of net receipts:	16816 –	8 –	6 –

Therefore the receipts in colonial currency exceed the expenditures by the sum of 16,816 livres, 8 sols and 6 deniers.

September 27.

No. 8476. 10 pp.

Account rendered to Garic by Chantalou, as Curator of the succession of Clement Roudès, who was drowned in 1754.

Account rendered by Chantalou, in his capacity of Curator of the succession of the late Sieur Clement Roudès, drowned in the River in February, 1754:

To Sieur Garic, Clerk of the Superior Council of this province, in compliance with the order of the Council of August 6th last; and executed before Monsieur Delaunay, Councillor of said Council, appointed Commissioner in this case:

First: Receipts:

Received the sum of 1176 livres, representing proceeds of the judicial sale of the property of the succession, according to procès-verbal of July 19, 1754:	1176–	–
The sum of 2840 livres received from Sieur Caresse, and representing the amount of Indigo shipped by the late Sieur Roudès on the vessel "La Faucon", according to the receipts granted by the Accountant to Sieur Caresse on December 11, 1755, and on March 14, 1756:	2840–	–
Total of receipts: 4016 livres:	4016–	–

Disbursements:

The sum of 300 lvires paid to Sieur Armand, acting under procuration of Sieur St. Martin, representing the amount of letters of exchange, accepted by the late Sieur Roudès, and to satisfy judgments rendered by Monsieur Dauberville, Commissioner Intendant, on March 28 and May 4, 1756:	300–	–
The sum of 15 livres paid for Court costs:	15–	–
The sum of 122 livres and 10 sols, paid for Court costs, according to approved statement:	122–	10–
The sum of 401 livres and 12 sols for commission due to the Accountant on the above collections in the sum of 4016 livres, at the rate of ten per cent:	401–	12–
The sum of two livres and ten sols for moving the effects of the succession from the residence of the deceased to the Registry:	2–	10–
The sum of 40 livres for copy of this account:	40–	–
Total expenditures: 881 livres and 12 sols:	881–	12–

Recapitulation:

Total Receipts: .....4016 livres
Total Expenditures: ..... 881 livres, 12 sols

Net Receipts: .....3134 livres, 8 sols

The above statement was verified and approved by the undersigned Councillor Commissioner, in the presence of Monsieur de Laplace, acting Procureur General of the King, upon whose request the above sum of 3134 livres and 8 sols shall be remitted by Mr. Chantalou to the Clerk of the Council; and by so doing Mr. Chantalou shall be lawfully discharged.

New Orleans, December 5, 1763. (Signed): De Launay; De Laplace.

September 27.

4 pp.

Duvergé seeks an order of Council directing Becat to furnish him with certified copies of documents, by virtue of which petitioner delivered to Becat 39,330 livres, due to the Dauzeville succession.

Petition to Monsieur Dabbadie, Councillor of the King's Councils, Commissioner General of the Marine, Intendant and First Judge of the Superior Council of the Province of Louisiana:

P. Duvergé humbly represents: That by virtue of documents of which he was bearer he obtained in this colony the payment of a certain amount due to the succession of the late Sieur Amiault Dauzeville by the succession of the late Sieur Barbin, and he received on account the sum of 39,330 livres, which he was forced to keep in consequence of the delay in the issue of letters of exchange and through failure to receive answers to letters, most of which were written in triplicate, to Monsieur Amelot de Hautmanoir, Counselor of the jurisdiction of Brittany, residing at St. Malo, attorney both for Demoiselle Dauzeville, heiress of said Sieur Dauzeville, and for the creditors of the said succession;

That Sieur Becat, recently a resident of this colony, made demand on petitioner for the delivery of the aforesaid sum of 39,330 livres, by virtue of a power of attorney granted him by his brother, heir of said Demoiselle Dauzeville, and by the said Sieur Amelot; and by virtue also of an order of Mr. Foucault, formerly acting Intendant of this colony;

That petitioner consented to deliver the said amount to Sieur Becat on condition that the latter have his documents recorded at the Registry of the Council, and have certified copies of same served upon petitioner;

That Sr. Becat claimed that he could not afford to pay the excessive fees demanded by the Clerk to record the said documents and serve certified copies of same; wherefore petitioner rested satisfied with informal certified copies of said documents served on him by the Sheriff;

The petitioner has received letters from Mr. Amelot de Hautmanoir, who advised petitioner to be cautious in his dealings with Sr. Becat, therefore petitioner requested the latter to furnish him with the aforesaid documents in the form demanded before the delivery of the 39,330 livres, but he met with Sieur Becat's refusal.

In consideration of all the foregoing, petitioner prays that it may please Your Excellency to allow him to summon Sieur Becat at the first session of the Council, and that decision be rendered condemning him to register at the Registry all the documents by virtue of which he received the said amount of 39,330 livres; to have certified copies of same served on petitioner; to furnish petitioner with discharges lawfully required; and to pay all expenses and costs. And Your Excellency will do right.

New Orleans, September 27, 1763. (Signed): Duvergé.

Permit to cite.

September 27, 1763.—Permit to cite at the first session of the Council. New Orleans, September 27, 1763. (Signed): Dabbadie.

Citation served.

September 28, 1763.—On September 28th at the request of Sieur Pierre Duvergé, Secretary to Monsieur the Intendant, and by virtue of the above order, citation was served by the Sheriff of the Council upon Sieur Becat, at his residence where he elected his domicile, to appear before the Council next Saturday, October first, at eight o'clock in the morning, to present his answer in reference to the above petition. (Signed): Bary.

September 27.

3 pp.

De Mazan vs. De Reggio: Report of Olivier Devezin, Inspector of Highways and Surveyor General of Louisiana, concerning his survey of land involved in suit.

On This Date, September 27, 1763, I, the undersigned, Pierre Francois Olivier de Vezin, Councillor of the King, Inspector of Highways and Surveyor General of the Province of Louisiana, do hereby declare to all whom it may concern, that being on the aforesaid day on the old and common boundary of the plantations of the Ursuline Nuns and of Sieur de Mazan, formerly St. Martin, situated at Pointe St. Antoine, on the left bank of the River St. Louis, for the purpose of making a survey as directed by Monsieur Dabadie, Commissioner General of the Marine, Intendant of this Province, according to his orders written beneath two petitions presented to him on the 16th and 21st of the present month by Mr. de Reggio, and having to do with the litigation between the said Sieurs de Reggio and de Mazan;

Monsieur la Brosse, manager of the Ursuline Nuns' plantation, adjoining on the upper side the property of Sr. de Mazan, requested me, in the presence of Messrs. de la Barre, former Coast-guard Captain; Darby, officer of the Militia; de Reggio, former Captain of Infantry; and Bigeou, clerk of the Highways and Survey Office, to establish the position of a fence built last March by said Sr. la Brosse, who stated that Sieur de Mazan had forced him to construct this new fence in the present direction by virtue of the New Line of Partition between the property of the Ursuline Nuns and that of said Sr. de Mazan, who had the said line drawn and traced last March by Sieur Andry, assistant engineer, in accordance with a sketch signed by Desvergés, which sketch the said Sieurs Darby and la Brosse declared they had seen in the hands of Sieur Andry; which Line and New Boundary I have found to run in depth twenty-one degrees forty-five minutes from North to East instead of nineteen degrees thirty minutes as did the old boundary line between the aforesaid properties of the Ursuline Nuns and of Sieur de Mazan; therefore the boundary as fixed by the new dividing line would form an isosceles triangle containing forty-five arpents by a depth of forty arpents. This dividing line, which is two degrees fifteen minutes more towards the east that the preceding boundary, cannot prevail without giving rise to a great deal of confusion with reference to the plantations situated on the lower side, which would fall back upon each other and would occasion endless difficulties in the future, since all the plantations on that lower side extend back between parallel lines to the twenty-seven arpents line further down, between the plantation of "La Liberté" and the plantation of Henry on the lower side, where Sieur Broutin in his survey has begun to change the position of the said line, on account of the winding of the River, from the boundary of Sieur de Mandeville's property, which is in common with Sieur de Reggio, to the boundary of the plantation "La Liberté" and of the land of Mr. Henry, as will appear in the aforesaid survey of Sieur Broutin made on November 5th, 6th, 7th, 8th and 9th 1728.

All the foregoing I have set forth in the present procès-verbal in the interest of the said Ursuline Nuns.

Done at the said Pointe St. Antoine, on abovestated date, in the presence of said La Brosse, applicant, and of the aforesaid and undersigned witnesses.

(Signed): Olivier Deverzin; Delabarre; Darby; De Reggio; Bijou; Cross-mark enclosed in a circle, apparently made by La Brosse.

September 27.

3 pp.

Petition of Charles Guillaume, owner of a ship "Le St. Joseph", for recovery of sum due for use of said vessel, from Monsanto and Brito.

Petition to Monseigneur D'Abadie, Commissioner General of the Marine and First Council of the Province of Louisiana:

Charles Guillaume humbly prays and represents: That, as owner of the vessel "Le St. Joseph," chartered by Sieurs Monsanto and Brito, according to contract passed in Curacao, be obtained a judgment at Cap Francais, St. Domingo, condemning them to pay him for use of said vessel during sixteen and a half months, at the rate of 200 piastres per month, from May 28, 1756, to October 12, 1757;

That petitioner was deprived of what was due him by the dishonesty and subterfuge of his opponents, who represented that, as the said vessel was captured during the month of March 1757 by an English privateer and taken to La Providence, they were indebted to petitioner only up to the time of said capture;

That the above representation is in conflict with facts as proven by documents in petitioner's possession;

That petitioner is the bearer of an order of the Council of the King of Great Britain authorizing the said Monsanto and Brito to recover their funds deposited at Newport, together with expenses, damages, interest, etc.

Wherefore petitioner prays that it may please Your Excellency to order that he be paid what is lawfully due him, in view of the justice of his cause.

New Orleans, September 27, 1763. (Signed): Guillaume.

Permit to cite.

October 13, 1763.—Permit to cite at the first session of the Council. New Orleans, October 13, 1763. (Signed): Dabbadie.

(Translator's Note:—The document does not show any further proceedings, and service of citation is missing.—G. L.)

September 27.

No. 8474. 7 pp.

Succession of Laurent Francois Viart, creole of St. Domingo: The Procureur General petitions for an inquest over the body of a man drowned in the River.

Petition to Monsieur Dabbadie, Commissioner General of the Marine and First Judge of the Superior Council of Louisiana:

The Procureur General of the King represents that he has just been informed that there is a corpse lying on the city levee, said corpse having been picked up from the River by certain seamen of the vessel "La Fortune";

That petitioner yesterday received the statement, herewith annexed, concerning a man who fell into the River Sunday night, at ten o'clock, and disappeared instantly.

Wherefore petitioner requests, in the King's name, that a Commissioner be appointed, who will duly summon the Physician of the King and the Surgeon Major, who will draft their procès-verbal in reference to the drowned person; and that an inquiry be made to identify the said deceased and to establish and find out how he was drowned.

New Orleans, September 27, 1763. (Signed): Lafreniere.

Delaunay appointed Commissioner on the case; and order given to summon the Physician of the King and Surgeon Major.

September 27, 1763.—Let It Be Done, as hereinabove requested, before Monsieur Delaunay, appointed Commissioner in this case; and let the Physician of the King and the Surgeon Major of this city be duly summoned.

New Orleans, September 27, 1763. (Signed): Dabbadie.

Statement concerning the drowning rendered by Arnaud, acting as interpreter for Boundy, apprentice on board the vessel "Le Vainqueur".

September 26, 1763.—On September 26, 1763, I, Francois Arnaud, Lieutenant of the brigantine "Le Vainqueur", commanded by Captain Simphorien Coulet of Marseille, at present moored at the wharf in this city, repaired at nine o'clock in the morning to the office of the Procureur General to act as interpreter for Lazare Boundy, apprentice on board of said vessel, and I am stating, word for word, what he said: That yesterday, at eight o'clock in the evening, while he was alone on board of the said brigantine, he saw advancing on the bridge a man whom he did not know, of whom he asked what he wanted, and the man replied that he was looking for a friend; the declarer told him that he would not find his friend there, since the declarer was all alone on board; then the man asked permission to come on board, which permit the declarer refused to give, as he believed from his manner of speaking that he was drunk; the man then started to leave and lost hold of a cane that he was carrying, and he stooped down to pick it up and in trying to get up he fell into the River; the declarer after crying out for help ran on the bridge in an attempt to save him, but this was useless, as he had disappeared; and on returning on board the declarer discovered on the bridge some wine which the man had vomited. (Signed): Arnaud.

Commissioner Delaunay, accompanied by the Physician of the King and the Surgeon Major, inspects the dead body and orders that deceased be buried and a report drafted by the Physician and Surgeon Major.

September 27, 1763.—On September 27, 1763, before noon, on petition of Monsieur de la Freniere, Procureur General of the King, and by virtue of the order of Monsieur Dabbadie, First Magistrate of the Superior Council:

Monsieur Piot De Launay, Councillor of said Council, appointed Commissioner on this case, accompanied by the Clerk, the Physician of the King

and the Surgeon Major of the King, went to the wharf and levee of this city for the purpose of examining a corpse taken from the River by some sailors of the vessel "La Fortune"; and upon reaching the place they found a dead body, which was identified as one Laurent Francois Viart, creole of St. Domingo; the Physician and the Surgeon of the King declared that he died by drowning, and nothing was found in his pockets. The said Commissioner ordered that the said corpse be at once buried on account of its offensive smell; and ordered that a report of the Physician and of the Surgeon of the King be annexed to the present procès-verbal, the whole to be referred to the Procureur General of the King, who will decide on the matter according to right.

(Signed): Delaunay; Garic, Clerk.

Report of the Physician of the King and the Surgeon Major of New Orleans.

September 27, 1763.—Report of the undersigned, the Physician of the King and the Surgeon Major of New Orleans:

We, the undersigned, do hereby certify that on petition of the Procureur General of the Superior Council, we went to the levee of this city where, in the presence of Monsieur De Launai, Councillor of the Council, appointed Commissioner on this case, we examined the corpse of one named Vial (Viart), soldier of the Marine Troops, and we ascertained from the appearance that death occurred in the water and that the corpse remained a long time therein as evidenced by the swelling of the abdomen, the lips and the face; wherefore we drafted the present statement, to serve whom it may concern, on this September 27, 1763, at eleven o'clock in the morning.

(Signed): Lebeau; Gardrat.

The Procureur General requests that the deceased be recorded in the death records as Laurent Francois Viart.

September 27, 1763.—I Request, in the King's name, that the name of Laurent Francois Viart, creole of St. Domingo, be entered in the Death Records, as per identification set forth in the procès-verbal of Monsieur de Launay, Councillor Commissioner in this case. New Orleans, September 27, 1763. (Signed): Lafreniere.

Petition granted by Dabbadie.

September 27, 1763.—Let It Be Done as requested by Monsieur the Procureur General. New Orleans, September 27, 1763.

(Signed): Dabbadie.

September 27.

No. 8477. 10 pp.

Rasteau succession: Account rendered by Chantalou to Garic.

(Translator's Note:—This long document is a copy, signed at top of first page by Chantalou, and paraphed at top of each page by Delaunay, of the document presented above under the same date of September 27, 1763.—G. L.)

September 27.

4 pp.

Madame Testar seeks payment by Grevenbert called Flamand of 30,844 livres, 16 sols and 10 deniers, plus expenses and interest, in settlement of an award made by arbitrators.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Madame Testar humbly prays and represents: That there is due her by Sieur Grevinbert called Flaman the sum of 30,844 livres, 16 sols and 10 deniers, according to the award of Sieurs Rasteau and Le Boeuf, arbitrators appointed by the parties, besides the expenses, and interest from April 19, 1759, at the rate of six per cent, according to the aforesaid settlement;

That petitioner has made several demands on Sieur Flaman but always without avail.

Wherefore she prays that it may please Your Excellencies to allow her to summon the said Sieur Grevenbert called Flaman before the Council at its first session, and that judgment be rendered condemning him to pay her the said amount of 30,844 livres, 16 sols and 10 deniers and interest, as awarded in the Report of the above-mentioned experts; and also the sum of 204 livres and 15 sols for expenses incurred in reference to said Report; and all this without prejudice of other claims and actions. And right will be done.

New Orleans, September 27, 1763. (Signed): Testar.

Permit to cite.

September 27, 1763.—Permit to cite at the first session. New Orleans, September 27, 1763. (Signed): Dabbadie.

Citation served.

September 29, 1763.—Citation served on September 29th at the request of Madame Testar by the Sheriff of the Council upon Sieur Jean Baptiste Grevenber called Flamand. (Signed): Bary.

September 30.

2 pp.

Charpentier vs. Goudeau: Pierre Charpentier sets forth his reasons for filing suit against Madame Goudeau and prays for judgment condemning her to pay him the amount of her indebtedness.

Petition to Their Excellencies of the Superior Council of the Province of Louisiana:

Pierre Charpentier humbly represents: That his demands against Madame Goudeau are well founded for the following reasons, to-wit:

First: because petitioner, in order to settle the debts with which he was burdened, disposed of his belongings by judicial sale which took place on November 22nd; but three weeks prior to said sale he had sold to said Madame Goudeau the Calamanco, payment for which he is claiming; that he excluded the Calamanco from the judicial sale in order to sell it himself and thereby save for himself the commission, which he would have paid if the goods had been sold by the Court;

Second: that petitioner had taken from several merchants some merchandise on consignment to be sold on commission, since he was unable to buy same for his own account;

Third: that petitioner was indebted to Madame de Rocheblave, daughter of said Madame Goudeau, in the sum of 1000 livres, the payment of which he delayed in view of what her mother owed him; but at last Madame de Rocheblave filed suit before Monsieur Dabbadie, who condemned petitioner to settle, without delay, his indebtedness, and this he did immediately.

In view of the foregoing allegations, petitioner concludes that Madame Goudeau be ordered to pay petitioner, without delay, all sums she might owe him; besides expenses and costs. And justice will be done.

New Orleans, September 30, 1763. (Signed): Charpentier.

September 30.

No. 8483. 4 pp.

Succession of Francois Barre and of Pierre Tardivet, seamen: Joseph Ducros, Attorney for Vacant Estates, petitions for inventory, since both died intestate and left no heirs in the colony.

Petition to Monsieur Dabbadie, Councillor of the King's Councils, Commissioner General of the Marine, Intendant of Louisiana, First Judge of the Superior Council of said Province:

Joseph Ducros, Attorney for Vacant Estates, humbly prays and represents: That he was informed that one Francois Barre, former sailor, died on the 29th of the present month; and that one Pierre Tardivet, comrade of the said Barre, died some days ago on a plantation situated about fifteen leagues below this city; that the said Tardivet was on his way to Barataria for the purpose of getting some beeswax, and that the two deceased seem to have been associated in this business; that both died intestate and left no heirs in this colony; that the first one died at the residence of Sieur Timballier, who might know something about the movable property of the two aforesaid deceased, and about the nature of their partnership.

All this considered, petitioner prays that it may please Your Excellency to allow him, in his said capacity, to go to the residence of Sieur Timballier to take the latter's declaration concerning the property of the two deceased, and to take an inventory thereof, this to be executed before a Councillor, whom it may please Your Excellency to appoint Commissioner in the matter, and in the presence of the Procureur General of the King. And right will be done.

New Orleans, September 30, 1763. (Signed): Ducros.

Petition granted.

September 30, 1763.—Let It Be Done, as requested above, in the presence of the Procureur General and of "Messieur le Conseiller Commissair de Semaine".* (Signed): Dabbadie.

***(Translator's Note:**—This expression, which I find here for the first time, intimates that a Commissioner was designated each week, to attend to certain business coming up during the week he was to serve.—G. L.)

Procès-verbal concerning the successions of Barre and Tardivet, for which no inventory was necessary.

September 30, 1763.—On September 30, 1763, on petition of Sieur Ducros, Attorney for Vacant Estates, and by virtue of the order of Monsieur Dabbadie, Commissioner of the Marine and First Magistrate of the Province of Louisiana:

Monsieur Louis Piot de Launay, Councillor of the Superior Council, Commissioner appointed on this case, accompanied by Monsieur de La Place, acting Procureur General of the King, and by the Clerk of the Council, went to the residence of Sieur Filiosa called Timballier, where one Francois Barre died yesterday soon after his arrival; and Mr. de Launay being there, the said Sieur Filiosa declared, under oath, that nothing had been concealed nor taken away by him of the effects of said late Barre; that the deceased left neither trunk nor any belongings; that, on the contrary, there was due him the sum of 200 livres for treatment given to the deceased, besides the burial expenses, which had not yet been paid.

Whereupon the aforesaid Commissioner gave him, in compliance with his request, a copy of his foregoing declaration; and likewise granted to Sieur Ducros a statement to the effect that he was present at the proceedings.

The said Sieur Filiosa furthermore stated that Pierre Tardivet, partner of said Barre, died at the residence of Sieur Bertrand Dubuquoy, eight leagues from this city, and only left one pair of silver buckles, four old shirts, and nothing else.

Where the undersigned Commissioner did not deem it necessary to make an inventory of the aforesaid effects, which were left to cover expenses of illness and burial.

(Signed): Philiosa; Ducros; De la Place; Delaunay; Garic, Clerk.

(To be continued.)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA
LXXV.

January, 1785

(Continued from July, 1942, Quarterly)

By LAURA L. PORTEOUS
(With Marginal Notes by Walter Prichard)

Spanish officials appearing in this installment:

Esteban Miro, Colonel of the Fixed Regiment of Infantry of this Place and Governor ad interim of the Province of Louisiana.

Martin Navarro, Intendant General of Louisiana.

Juan Doroteo del Postigo y Balderrama, Auditor of War and Assessor General of Louisiana.

Juan Ventura Morales, Fiscal of the Royal Treasury.

Josef Villavaso, Administrator General of the Royal Revenues of Louisiana.

Alcaldes: Nicholas Forstall; Juan Renato (René) Huchet de Kernion; Guido Dufossat (1786).

Escribanos: Fernando Rodriguez; Rafael Perdomo; Pedro Pedesclaux (1788).

Attorneys: Francisco Broutin; Pedro Bertonière; Antonio Mendez; Pedro Daspit; Estevan de Quinones (1790); Felipe Guinault (1788).

Public Appraisers: Francisco Lioteau; Josef Becat; Andres Waukerny; Adrien de la Place.

Arbitrators: Alphonse Perret; Alexander St. Amant; Joseph Casenave.

Nicolas Fromentin, Deputy Sheriff.

Luis Lioteau, Official Taxer for Costs of Court.

Juan Josef Duforest, Official Interpreter and Translator.

Nicolas Delassize, Commander of the Post of Pointe Coupée.

Santiago (Jacques) Livaudais, Commander of the Tchoupitoulas Coast.

Francisco Dubua, Public Town Crier of New Orleans.

Josef Valler, Minister of Justice (1790).

January 19,

Roberto Roger petitions for a permit to sell a house belonging to Santiago Mallar Liber.

No. 3115. 17 pp.

Court of Alcalde René Huchet de Kernion.

No Assessor.

Escribano, Fernando Rodriguez.

This case illustrates the legal procedure involved in disposing of real property, belonging to a succession, at public auction. The price at which the property sold is of interest to the social and economic historian.

The suit opens with a certified copy of a power of attorney by which Roberto Roger, as testamentary executor, appoints Pedro Bertonière, Procurador Publico del Numero, to represent his interests, particularly in the proceedings he has instituted to settle the succession of Santiago Mallard, called Liver.

Roberto Roger, as testamentary executor and guardian of the estate left by Santiago Mallard, called Liver, duly presents his power of attorney and sets forth that there is a house in this city belonging to the deceased, therefore he prays the Court to order it inventoried and appraised, so that it may be put up at auction and sold to the highest bidder. René Huchet de Kernion rules: The power of attorney having been presented, let an estimate be made of the house specified, and let Antonio Mendez, Procurador Publico del Numero, be named defender of the absent heirs. He must accept and take oath in due and proper form.

Notification, acceptation and oath.

On the said day (January 19, 1785), the Escribano personally notified Antonio Mendez, who said he accepted and did accept and swore by God and the Cross to proceed well and faithfully with the defense of the absent heirs, and he signed, to which the Escribano attests, (Signed) Antonio Mendez. Before Fernando Rodriguez, Clerk of the Court.

Roberto Roger asks to name an appraiser.

Roberto Roger states that the Court has ordered an inventory and estimation made of the house, therefore to carry out this decree he names Joseph Becat for his part, and prays the Alcalde to approve this appointment. René Huchet de Kernion rules: Let Joseph Becat's appointment be approved. He must accept and take oath in due form, and let the other party be notified to name an appraiser for his part.

Notification, acceptation and oath.

On the said day the Escribano personally notified Joseph Becat, and he said he accepted and did accept and swore by God and the Cross to proceed well and faithfully (etc.), and he signed, to which the Escribano attests. (Becat's signature does not appear.)

Antonio Mendez asks to name his appraiser.

Antonio Mendez, Procurador Publico, defender named for the absent heirs of Santiago Mallard, called Liver, states that he has been notified to select an appraiser

for his part, so as to place a value on a house belonging to the said Liver, therefore, pursuant to this decree, he appoints Francisco Lioteaud to represent him and prays to have him notified in the customary way, for his acceptation and oath. Alcalde Kernion rules: Let Francisco Lioteaud's appointment be confirmed. He must be notified in the customary way, for his acceptation and oath.

Notification, acceptation and oath.

On the said day, month and year, Fernando Rodriguez personally notified Francisco Lioteaud, and he said he accepted and did accept and swore by God and the Cross, to proceed well and faithfully (etc.), and he signed, to which the Escribano attests.

Roberto Roger petitions to have a day assigned for taking the inventory, etc.

Roberto Roger petitions, averring that an inventory and estimation of the house has been ordered, therefore he prays His Honor to name a day and hour for the proceeding. René de Kernion rules: Let the 24th of the current month be set aside for the taking of the inventory.

Inventory.

[**Translator's Note:**—Page 8, except for the abbreviation of the Spanish word for inventory, is a blank. The taking of an inventory is a Notarial Act. Fernando Rodriguez, a Notary Public, and Clerk of the Court for this case, seems to have neglected or forgotten to file a copy with this record. In all probabilities the house is set down and appraised in the general inventory and appraisement of the Mallard estate in the main suit to settle the succession.—L. L. P.]

Antonio Mendez asks to have the public calls given for the auction.

Antonio Mendez petitions, stating that (an inventory) and estimation has been made of the house belonging to the heirs, therefore he prays it may please the Court to order the public calls made for the sale, as the law requires. Alcalde de Kernion rules: Let the public calls be made in accordance with legal procedure.

The three public calls for the sale.

The first, second and third public calls are made for the sale of the house, on January 25th, February 4th and 14th, respectively, and on February 15th Roberto Roger petitions:

Roberto Roger petitions to have a day assigned for the auction.

Roberto Roger, Testamentary Executor and Guardian of the late Santiago Mallard's estate, sets forth that the three calls for the sale of the property of the abovenamed have been made, therefore he prays to have a day set aside for the same. Alcalde de Kernion rules: Let the following day, the 16th of the current month, be set aside for the auction. Notify the parties to this effect.

The Auction.

In the city of New Orleans, on February 16, 1785, Renato de Kernion, Junior Alcalde of this city, went to the house left by Santiago Mallard, called Liver, for the purpose of selling same at auction, and in the presence of the interested parties and the Escribano, His Honor ordered the sale called by the public crier of this city. He began by saying who will bid on a house on del fina (Dauphine) Street, containing several rooms and a tannery, both built on a lot of ground measuring 60 feet front by 120 deep, adjoined on one side by Mrs. Dubois' property and on the other by Mr. Calle's house, let him appear and his bid will be received, because this house must be sold, on a two-year term, with sufficient bond, to the highest bidder. At this stage, Antonio Le Blanc appeared and offered 1000 pesos for both the house and tannery, which was admitted; Francisco Lioteaud bid 1100; Pedro Voisin, 1250; Henrique Derneville, 1300; Francisca Voisin, Widow Devilliers, 1400; Julian Lesassier, 1500; Pedro Voisin, 1570; Francisca Voisin, Widow Devilliers, 1573.

At this moment the bell rang the hour (the 12 o'clock Angelus). His Honor ordered the Public Crier to call the last bid, which he did, saying: 1573 pesos has been offered for the house, tannery and land; if there is anyone willing to pay more, let him come forward and make his bid; and as no one appeared the crier called for the first, second and third time, this is a good and valid offer, it is good, it is good, it is good (going, going, gone); this real property is sold to Mrs. Devilliers. Francisco Riaño was present and said that he constituted himself bondsman for the purchaser and obligated himself to pay the 1573 pesos in case the latter failed to do so within two years. The Auction is now declared finished and His Honor, the interested parties, the purchaser, and the bondsman all signed, to which the Escribano attests. (Signed) René Huchet de Kernion; Francisco Riaño; Pedro Bertonière; Voisin, Widow Devilliers. Before Fernando Rodriguez, Clerk of the Court.

Roberto Roger asks for a taxation of costs.

Roberto Roger petitions to say that the sale of the house belonging to the late Santiago Mallard has been held, as may be proven from the report of the auction, therefore may it please the Court to order a copy made of this suit to be filed with the main records of the cause to settle the succession, and that costs be taxed by the Public Taxer. Alcalde Kernion decrees: Considering that Santiago Mallard's house has been sold, draw up a copy of this proceeding and attach it to the records of the succession. Let the costs be taxed by Luis Lioteaud, who must first be notified for his acceptation and oath, and the said costs will be paid, in the interim, by Roberto Roger, who is in charge of this matter, with the condition that later he will be reimbursed by Mr. Mallard's other heirs. (Signed) de Kernion.

Notification, acceptation and oath.

In the city of New Orleans on the said day, month and year (March 3, 1785), the Escribano personally notified Luis Lioteau, Public Taxer of the foregoing decree, and he said he accepted and did accept and swore by God, Our Lord, and a Sign of the Cross, in conformity to law, to proceed well and faithfully with the taxation of the costs he has been ordered to make, without injury to the party, and he signed, to which the Escribano attests. (Lioteau failed to sign.)

Taxation of costs.

On March 4, 1785, Luis Lioteau taxes costs at 45 pesos 7 reales. (Lioteau also failed to sign the taxation of costs.)

January 25.

Proceedings brought by Constanzo Tardif against Juan Villanueva to force him to pay for the delays caused by faulty repairs made on a schooner belonging to the plaintiff.

No. 69. 5 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This suit illustrates the legal procedure involved in trying to fix the responsibility for the poor condition of a ship which had been repaired by a New Orleans contractor, but which was found to be unsound and unseaworthy by experts who re-examined it before it left the port. The case is prosecuted in the Court of the Intendant, which had jurisdiction over all such matters.

The record opens with a bill, reading: List of expenses incurred and money paid out for the repairs of Mr. Tardif's schooner, by Mr. Villanueva, after he had returned the boat to the owner as in good condition.

	P.R.
For 3 examinations made by the carpenters of the King, at the rate of 3 pesos a visit.....	9–
More oakum	5–
Planks	4–
Nails	2–4
1 barrel of tar	4–
8 pounds of tallow, at 2 reales	2–
2 caulkers and carpenters for 4 days.....	30–
Mr. Villeneuve received, on account	40–6
	97–2

As caulker, I certify that I repaired this ship and in doing so have used the articles mentioned above, and that my partner and I are entitled to the sum specified therein, for our labor. In testimony whereof, we sign in New Orleans, January 23, 1785. (Signed) Pierre La Cabane; Jean André.

The plaintiff states his grievances against the defendant.

Constancio Tardif, a resident of this city, who will leave shortly for Pensacola, where he has been ordered to remain for six months, now before going, avails himself of his legal right to present himself in Court to state that at his instance it has pleased His Lordship to order Pedro Visoso, Master Caulker, to examine his schooner, anchored at Bayou St. John, to

ascertain whether or not it is seaworthy, in accordance with his ordinance to inspect all ships sailing from this Port to the Americas and Europe. As a result of this said examination the plaintiff's boat was not found in a sufficiently good condition to make a voyage unless repaired again, as Visoso verbally stated to the Intendant. For this reason and because he had contracted with Juan Villanueva, Master Carpenter and Caulker, to do this work, as he has previously informed the Court, the total repairs when completed would cost 100 pesos, and 40 pesos of this amount had already been paid on account. This contract has not been fulfilled, as appears from the examination; therefore, in accordance with His Lordship's superior orders, experts were obtained to make the second necessary and indispensable repairs, duly set down in the bill, as paraphed by the experts will prove. In consequence of which and considering the delays, losses, expenses and inconveniences caused him on account of the said delays, through the negligence of the defendant, he prays the Court, knowing the full amount, to order it paid by the one His Lordship may judge responsible, who will have the right to take action against the said Villanueva as the cause of them.

Decree. Intendant Navarro, on Assessor Postigo's advice, rules: Let Pedro Visoso swear and declare whether Constanzo Tardif's schooner was in a state to make a voyage, when he examined it after Juan Villanueva had repaired it, and to acknowledge the signatures at the end of the certification here attached, and this done, return the matter to the Court. Entrust the taking of the declaration to the Escribano. (Signed) Navarro; Postigo.

Declaration. In the city of New Orleans, on January 26, 1785, the present Escribano, in virtue of the commission conferred upon him by the foregoing decree, administered oath to Pedro Visoso, Master Ship Carpenter, which he took by God and the Cross, according to law, under charge of which he promised to speak the truth, and after having been questioned on the above decree he said he went on board the schooner to inspect its condition, pursuant to a verbal order from Martin Navarro, Intendant General of this Province. He found the ship wholly unfit to make a voyage unless it was thoroughly repaired. He stated that what he has declared is the truth under charge of his oath, that he is 35 years old, and he signed, to which the Escribano attests. (Signed) Pedro Visoso. Before Rafael Perdomo.

Verification of signatures. In the city of New Orleans on the said day, month and year, the Escribano, pursuant to the foregoing decree, placed on manifest the signatures of Pedro La Cabane and Juan Andres, written at the end of the certificate filed on page (1) of this suit, and upon seeing them they said they were in their handwriting in the way

they are accustomed to sign, and under the sacredness of the oath they have voluntarily taken, they further declare that they found the bottom of the boat totally worm-eaten and crumbling. They hold in their possession, as proof, pieces of planks taken from the keel of the schooner. With this declaration they concluded the proceeding, which they signed, and to which the Escribano attests. (Signed) Pierre La Cabane; Jean Andre. Before Rafael Perdomo, Clerk of the Court.

The record ends here.

January 20.

Feliciana Bijous petitions to be authorized to sell a house and two lots left by her husband at his death.

No. 2991. 14 pp.

Court of Alcalde Huchet de Kernion.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

This suit illustrates the procedure involved in effecting the sale of a house and lot belonging to a succession. The house and lot is sold at public auction, under supervision of the Court; the debts of the succession were paid; and the remaining effects left by the deceased were adjudicated to the widow at the price of their valuation fixed by appraisers appointed by the Court. The scanty list of house furnishings and utensils belonging to the family is an interesting item.

Feliciana Bijous, widow of Pablo Prevost, petitions, saying that her husband, at his death, left a small house on Borgoña (Burgundy) Street, built on two ordinary sized lots of ground, adjoined on one side by Francisco Peres' house and on the other by one belonging to a person named Frederico, and whereas he has not left her any other estate besides the house and a few furnishings, she finds it impossible to pay a debt of 175 pesos which he owes Lorenzo Wiltz, the remainder still due for the house purchased from the latter; 110 pesos owed to Mrs. Moro (Moreau); 13 pesos to Mr. Latime; 18 pesos for her husband's funeral; 15 to Santiago Leduc; 46 to Lorenzo Bay; 36 pesos for mourning for herself and children; and 100 that she herself owes to one named Jourdain, amounting in all to 500 pesos. She prays to be granted a permit to sell the house, so that she may be able to pay these debts and with the remainder to buy another house, of less value, for the security of the part that belongs to her minor children.

Decree.

Alcalde René Huchet de Kernion decrees: In the city New Orleans on January 20, 1785, Renato Huchet de Kernion, Senior Alcalde of this city and its jurisdiction for His Majesty, having seen the representation made by Felicite Bichu (Bijous, Bijoux), widow of Pablo Prebo (Prevost), says he must authorize and does authorize her to sell the house and lots left by her late husband, so that from the proceeds she may pay the debts of the said succession, and to use the remainder to buy another piece of real property for the security of the part that belongs to her minor children. Thus he orders and signs, to which the Escribano attests.

Mrs. Prevost asks to have her furniture appraised.

On July 27, 1785, Feliciana Bijous again petitions, this time to state that her late husband left a house and two lots which were sold for 900 pesos, and now, so that she may render an account to her children in due time, she prays the Court to appoint two appraisers who, with the assistance of the present Escribano, will place a just price on the furniture which is worth about 80 or 90 pesos, more or less. Alcalde de Kernion decrees: Let Adrian de la Plaza and Andres Waukarny be named as appraisers. They must accept and take oath, an done they will proceed, in the presence of the said Alcalde, to make the inventory and appraisement that has been requested.

Notification, acceptation and oath.

On the said day, Adrian de la Place was personally notified, and he said he accepted and did accept and took oath by God and the Cross (etc.), which he signed, and to which the Escribano attests. In a second proceeding, Andres Waukerny was notified and qualifies.

Inventory.

In the city of New Orleans, on July 29, 1785, Renato Huchet de Kernion, Senior Alcalde Ordinario of this city for His Majesty, went to Mrs. Prevost's house to make an inventory and appraisement of the estate left by her husband, in the presence of Adrian de la Plaza and Andres Waukerny. They began in the following manner:

Firstly, a very small, new house situated on Burgandy Street, built on a lot measuring 15 feet front, valued by the appraisers at 500 pesos. The widow declared she bought the lot and erected the house with the proceeds from the sale of one belonging to the succession of her late husband, Pablo Collet Prevost 500

Another small house, next to the above entered, adjoined on one side by Miguel Medesingue's place and on the other by the one belonging to Mrs. Collet (Prevost), which the appraisers valued at 200 pesos. This estimate was not satisfactory because it was bought by the widow at a sale of Dibina Dubou's property on March 15th of this year, payable in 12 months. This is set down as a memorandum 000

1 cypress armoire valued at 10
Another armoire at 10
1 cypress table 4
1 large earthen jar 8
5 chairs 4
2 beds with their mosquito bars 60
4 pairs of sheets 30
12 table napkins 12
1 pair of silver buckles 4

Some dishes, spoons, knives, forks, pots and other things of little use, valued at 10

652

At this point, because there was nothing else to inventory, His Honor ordered the proceeding concluded. He signed with the widow and appraisers, to which the Escribano attests. (Signed) René Huchet de Kernion; Widow Prevot (Prevost); Adriano de la Place. Before Fernando Rodriguez.

Mrs. Prevost prays to have the estate adjudicated to her.

Mrs. Prevost petitions, averring that at her request an inventory and appraisement has been made of her late husband's estate, including house furnishings, therefore she prays to have all property adjudicated to her at the price of its valuation, to enable her to render an account to her children for the parts that belong to them as their legitimate inheritance.

Decree.

In New Orleans, on April 1, 1785, Senior Alcalde Huchet de Kernion of this city and its jurisdiction for His Majesty, after seeing the inventory made of the few furnishings left by Pablo Prevost, said that he must name and does name, as tutrix and curatrix of the Prevost minors, Felicite Bijoux, his widow, and adjudicates to her the property left by her late husband, for the price of its appraisement. Let the widow give an account and sworn statement of the estate she will hold in her possession, belonging to her minor children, and of the payments made to liquidate her husband's debts. Thus His Honor has decreed and signed.

Account and Sworn Statement.

Account and Sworn Statement rendered by Feliciana Bijoux, Widow Prevost, Tutrix and Curatrix of her minor children, for the funds belonging to her late husband's estate, placed in her possession.

Assets

Firstly, she enters the sum of 900 pesos for which she sold the house and two lots left by her husband..... 900

Secondly, she enters the sum of 142 pesos, the appraised value of the furniture, clothes, table, bed and kitchen utensils 142

1042

Debit

Firstly, she enters 175 pesos paid to Lorenzo Wiltz, an amount owed to him by her late husband, No. 1..... 175

100 pesos due Mrs. Moro, according to her receipt, that was owed to her by Mr. Prevost, No. 2..... 100

13 pesos paid to Claudio Latime, No. 3..... 13

18 pesos paid for Mr. Prevost's funeral, according to receipt, No. 4..... 18

15 pesos paid Dr. Santiago Le Duc for visits and medicines for her husband, as appears from his receipt, No. 5.... 15

46 pesos paid to Lorens Bahy, which sum her late husband owed, as may be proven from the receipt, No. 6..... 46

36 pesos for her mourning and that of her children, as appears from the bill, No. 7..... 36

100 pesos paid to Batista Jourdain, due him by her late husband, as may be proven from his receipt, No. 8..... 100

3 pesos paid to Fernando Rodriguez, Notary Public, for the sale of the house left by her late husband, as may be proven from his receipt, No. 9..... 3

15 pesos paid to the person who collected together her papers to draw up the present accounting, as appears from this receipt, No. 10..... 15

She must enter 150 pesos in the debit, that she paid her mother-in-law, which her late husband, the former's son, owed, according to the receipt filed, No. 11..... 150

She must also enter 21 pesos she paid to Fernando (Rodriguez) for the fees earned by the Judge of this cause; his own; the appraisers; for authorization of the sale of the house; for naming her tutrix and curatrix; for the inventory and copy of same, as appears from their receipts, No. 12.... 21

702

Recapitulation

Assets	1042
Charges and deductions	702
Liquid Remainder	340

There remains a sum of 340 pesos to be divided between herself, for one-half, or 170 pesos, and her children for the other. She retains the share that should go to her two children, 85 pesos each, which will be taken from the best part of her estate and delivered to them in due course.

The Clerk of the Court asks for a taxation of costs.

On December 13, 1785, Fernando Rodriguez petitions, setting forth that the suit brought by Feliciana Bijous to sell a house is finished, and considering he is on the point of going on a vacation, he prays the Court to order a taxation of the costs of the case. Alcalde de Kernion, on Assessor's Postigo's advice, rules: Let a taxation be made, and paid by Feliciana Bijous.

Notification, acceptation and oath.

On the said day, month and year (December 13, 1785), Luis Lioteau was personally notified, and he said that he accepted and did accept and swore to proceed well and faithfully with the taxation he has been ordered to make, and he signed, to which the Escribano attests (Lioteau fails to sign.)

Taxation of costs.

On December 23, 1785, Luis Lioteau taxes costs at 15 pesos 4 reales; 21 pesos is added to the bill, bringing it up to 36 pesos 4 reales.

Fernando Rodriguez asks for a Writ of Execution against Feliciana Bijous.

On January 26, 1786, Fernando Rodriguez petitions to say that Feliciana Visous (Bijous, or Bijoux) owes him 36 pesos (4 reales), the full amount of the taxation of costs and other sums earned by him in discharge of the duties of his public office, amounting in all to the said 36 pesos, as may be proven from the proceedings duly presented, and although he has requested her to pay, several times, she has not done so. Therefore, he prays for a writ of execution against all, or any, of her property, sufficient to cover this amount, and he swears by God, Our Lord, that it is due him and has not been paid. Guido Dufossat, who has received the case from René de Kernion's Court, on Assessor Postigo's advice, receives this petition for a future ruling, which was never rendered. It is logical to suppose that Mrs. Bijous paid the costs of the Court, which ended the suit.

January 20.

Nicolas Bacus and Juan Bautista, free negroes, vs. Mrs. Guillermo.
To claim damages.

No. 2986. 55 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribanos, Fernando Rodriguez and Pedro Pedesclaux.

The proceedings in this suit, brought by two free negroes who claimed that their property had been destroyed by a grass fire set by slaves hunting rabbits, to compel the owner of said slaves to pay the damages thus caused, contains many items of human interest. The case dragged on in the Court for more than five years, and is still unfinished as it stands. The evidence here presented is clearly in favor of the plaintiffs; and the case may illustrate the woes of free negroes in a case against a white person.

A marginal note to the first petition specifies that it was presented by persons who do not know how to write. It reads in part: That at about midday of Sunday the 16th of the current month, Nicolas Bacus and Juan Bautista, free negroes, residents of the Chapitoulas Post, while both were away from their plantations, the former in the city and the latter at Mr. Ducieux's house where he went to sell some rice, had their property set on fire by Mrs. Guillome's slaves, Luis and Colas, who had gone to hunt rabbits, with a gun. They ignited the rice straw that remained on the ground to smoke out the animals and although the blaze was started quite a distance away, it reached the plaintiffs' plantations, causing Bacus to lose his house which was being rebuilt, and notwithstanding the help of more than 20 negroes, who worked with several whites to put it out, they did not succeed. Juan Bautista had his fences burnt, together with 320 barrels, more or less, of rice in the straw, stored in barrels, some 20 of which belong to a free negro and a slave.

A further damage was done to about 4 arpents of Mrs. Dufaut's fence, and it was to this lady and to Juan Bautista that Colas had declared it was his brother, Luis, who had started the fire to smoke out rabbits. Therefore, they pray His Lordship to order the value of their losses paid by the owner of the negro who had caused them, after all necessary formalities have been carried out. Governor Miro, on Assessor Postigo's advice, rules: Let the testimony be given, as the law requires, the taking of it to be entrusted to the Escribano, and done deliver the depositions of the witnesses to the Court.

Testimony of the first witness.

In the city of New Orleans, on January 21, 1785, the Escribano, in virtue of the commission conferred upon him, received the oath of Philipe Boureyn (Bourin), resident of Tchopitoulas Post, which was taken by God and the Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the tenor of the foregoing written petition, he declared that Sunday, the 16th of the current month, while on Widow Dufaut's plantation, he saw Mrs. Guillaume's slaves, Luis and Colas, go hunting and that Luis carried a gun. They passed behind Mrs. Dufaut's and Bacus' plantations, and a quarter of an hour afterwards he saw a fire had started in the rice straw in the field and although more than 20 persons went to help, it was impossible to put it out, as it had already gained up to Mrs. Dufaut's fence, burning about 4 arpents of it, together with a house belonging to Bacus, that was demolished, and also a great quantity of Juan Bautista's rice, amounting to about 300 barrels, more or less. He knows what he has just stated, because after the fire had been put out, he had seen and heard Mrs. Dufaut accuse Colas of having started the fire in the rice straw standing in the field, and that he had answered it was not he but his brother, Luis, who had done so. This is the truth, under charge of the oath he has taken, he is 31 years of age, and he signed, to which the Escribano attests. (Signed) Philippe Bourin.

The second witness testifies.

On January 22, 1785, the Escribano administered oath to (Space left for Christian and surname) Widow Dufaut, resident of the Tchopitoulas Coast, which she took in the customary way, and under the charge of which she promised to speak the truth, and on being examined upon the foregoing petition, she said: That on the 16th of the current month, at about midday, she saw a fire burning in a field of dry rice straw on the adjoining plantation, and although with the help of 20 persons water was poured on it right away, they could not put it out. It burnt 4 arpents of her fence, Bacus' house, and about 300 barrels of rice in the straw belonging to her neighbor, Juan Bautista. The witness questioned Mrs. Guillermo's Colas, in the presence of Mrs. Boisclaire's Oreste and Philipe Bourien, as to why he had started the fire, and he answered it was not he, but his brother, Luis, who had done so.

This is the truth, under charge of her oath. She is 40 year old, and she did not sign because she said she did not know how to write.

The third witness testifies.

On January 24, 1785, the Escribano administered the customary oath to the negro, Oreste, and questioned him on the foregoing petition. He answered that on the 16th of the current month, at about 12 o'clock, while on Bacus' plantation, he saw a field of rice straw catch on fire, and that it burnt about 4 arpents of Mrs. Dufaut's fence, Bacus' house, and 300 barrels of rice belonging to Bautista, and that he saw the fire put out. Mrs. Dufaut asked Colas, Mrs. Guillermo's slave, why did you start a fire in the rice straw? and he answered, it was not he but his brother, Luis, who had done so. This is the truth, under charge of his oath. He is 50 years of age, and he did not sign because he could not write.

The plaintiffs ask to be reimbursed for their losses.

Nicolas Bacus and Juan Bautista set forth that they have fully proven a fire was started by Mrs. Guillermo's slave, Luis, therefore they pray the Court to order her to pay them the value of the effects and property destroyed. Governor Miro, on Assessor Postigo's advice, receives this petition and later decrees:

Decree.

In the city of New Orleans, on January 26, 1785, Esteban Miro, Colonel of the Fixed Regiment of this place, and Governor, ad interim, of the Province, having seen these records, said: Considering that the testimony points to Luis, Mrs. Guillermo's slave, as guilty of the crime charged in this proceeding, he orders him apprehended and placed in the prison of this city, to be held a prisoner there by the Warden. He commissions the Deputy Sheriff for this purpose, for thus he has decreed, provided and signed. Fees 3 pesos. (Signed) Esteban Miro; Licenciado Postigo. Before Fernando Rodriguez, Clerk of the Court.

Writ of Arrest.

By a decree rendered this day, by Esteban Miro, Governor of this Province, Nicholas Fromentin, Deputy Sheriff, was ordered to apprehend Mrs. Guillermo's negro slave, Luis, and to place him in the prison of this city. New Orleans, January 26, 1785. (Signed) Fernando Rodriguez, Clerk of the Court.

Report of the Arrest.

In the city of New Orleans, January 28, 1785, Nicolas Fromentin, Deputy Sheriff, appeared before the Escribano and declared that, in virtue of the foregoing order, he went to Mrs. Guillermo's plantation to apprehend her negro slave, Luis. He took him prisoner and placed him in the public prison of this city, and he asks the Escribano to set this down as a matter of record, which he signs, and to which Fernando Rodriguez attests. (Fromentin failed to sign.)

The prisoner is questioned.

In the city of New Orleans, on February 11, 1785, Esteban Miro, Colonel of the Fixed Regiment of Infantry of this place and Governor of the said Province, caused Mrs. Guillermo's slave, Luis, to appear before him, and in the presence of the Escribano administered the oath which he took by God, Our Lord, and a Sign of the Cross, according to law, under charge of which he promised to speak the truth, and when examined upon the written petition of denunciation, which begins the process, he answered as follows:

Asked his name, age and occupation? He said his name is Luis, his condition that of a slave, belonging to Mrs. Guillermo, he is a laborer by trade and is 16 years of age.

Questioned as to where he was on Sunday the 16th of last January? He answered that on the day mentioned he went hunting. He entered the cypress swamp behind Mrs. Glode's plantation and came out by Mrs. Dufaut's place.

Asked whether he saw a fire burning on Bacus' land, when he came out of the cypress swamp He said yes.

Questioned whether he met any persons before he arrived at the place where the fire was burning? The prisoner said no, that when he reached the place, the first people he saw were Bacus' sons who were putting out the fire, and he helped them to extinguish it, carrying water and cutting stalks to check the flames and smother them.

Did he see his brother, Colas, on the morning of the sixteenth? He said no, when he went hunting he left Colas in his owner's house, and did not see him until night.

What is the distance between the place where he went to hunt and the land on which the fire started? He answered about half a league, more or less.

Did he know, or had he heard anyone say, who had started the fire? He said no.

Did he go hunting with Bacus' sons on the day mentioned? He answered he was alone.

Were there any other persons helping to put out the fire when he arrived? The prisoner said the negro, Hector, was there, together with many other blacks, then he added this is as much as he knows, or can say about the matter under consideration.

What has been stated is the truth, under charge of his oath, and that he is the age already declared, but he did not sign because he does not know how to write. His Lordship signed, to which the Escribano attests. (Governor Miro failed to sign.)

The plaintiffs petition to have a value placed on their losses.

Nicolas Bacus and Juan Luis (Bautista), free negroes, through their attorney, Pedro Bertonière, set forth that the accused negro has been imprisoned in the city, therefore they pray the Court to order the Commander of their District to take further proceedings conducive to this case, and to make an examination and valuation of the damages caused by the fire, and for this purpose to name persons who will be agreeable to him. Governor Miro, on Assessor Postigos' advice, decrees:

Decree.

Send this case to Santiago Livaudais, Commander of the Tchoupitoulas Coast, so that he may make an examination and valuation of the effects that were burnt by Mrs. Guillermo's negro, Luis. The Commander must name suitable persons to make this estimation. Let him be informed of this decision by official letter despatched by the Governor's secretary. (Signed) Miro; Postigo.

Testimony taken before Santiago Livaudais, Commander at Tchoupitoulas.

Written in French and dated April 11, 1785. At Widow Dufaut's house, which is built on land belonging to Janot, a free mulatto, Jacques Livaudais, Commander of the Coast of Tchoupitoulas, in virtue of the commission, here attached (not filed with the record), sent to him by His Lordship, Don Estevan de Miro, Governor of this Province, caused to appear before him, a negro, Pirame, belonging to the said Janot, to testify in the action entered by the negro, Bacus, to begin this suit against Mrs. Guillermo's slave, and after he had been made to take oath, in conformity to law, the following questions were put to him:

1st Q. Was he on his master's plantation the day the fire burnt the rice belonging to the negroes, Bacus and Jean Batiste? He answered yes.

2nd Q. Where was he when the grass was set on fire? He left the woods with a mulatto, named Jacob, and went with him to protect the fences.

3rd Q. What time was it then? Between 11 o'clock and midday.

4th Q. Was there any fire then? Yes, the grass had caught on fire.

5th Q. Were there any persons where the fire had started? Yes, he saw Mrs. Guillermo's Luis and Colas, Hector, a negro belonging to Bacus, and Zenon, the latter's son.

6th Q. Did he know who started the fire? He does not know exactly who did start it, but he is sure it was the ones he saw there, who had set the grass on fire.

7th Q. Had they guns? Luis had his.

8th Q. Was he alone? No, he was with the mulatto, Jacob.

9th Q. Did he go to the fire? Yes, that he continued on his way so as to go to the house with Jacob, and when they saw fire spreading over the grass, they ran to it.

10th Q. Did he see any persons at the fire? Yes, on arriving he saw Luis, Colas, Hector and Zenon, the ones he had seen the moment before the fire started, and that Jacob, who had better legs than he, went on ahead, and that the fire was then burning the grass.

The witness declared he had nothing more to say; what he had declared was the truth; and that he is about 30 years of age. (Signed) Jacques Livaudais.

The second witness testifies.

April 11, 1785, Jacques Livaudais then caused to appear before him, Mr. Blanchar(d)'s mulatto, Jacob, who lives and works on the said Jano(t)'s land, the latter a neighbor of the said Bacus, so that he might testify in the suit instituted by the plaintiffs against Mrs. Guillermo's slave, and after he had taken oath to speak the truth, he was questioned as follows:

1st Q. Was he on Jano's plantation when the fire took place in the field? Yes, he had been there in the morning with Jano's negro, Pirame, to work in the woods splitting stakes.

2nd Q. What does he know about the fire that burnt the free negro's rice? The witness answered that coming out of the woods with Pirame he saw the grass had caught on fire.

3rd Q. Were there any persons at the fire? He saw Hector, who belongs to Bacus, Zenon, the latter's son, and Mrs. Guillermo's Luis and Colas.

4th Q. Did he know who started the fire? He does not know exactly who started it, but it may have been those he saw there who had set the grass on fire.

5th Q. What time was it then? It was between 11 o'clock and midday.

6th Q. Did he go to the fire? When he saw the fire spreading over the rice straw, he ran to it.

7th Q. Did he see any persons at the fire? He saw Luis, Colas, Hector, and Zenon, the ones he had seen a moment before, and that all four worked to put out the fire. He joined them, as did Pirame who followed close behind him. The fire had by that time reached the rice straw.

The witness declared he had nothing further to say and that what he has stated is the truth. He is 30 years old. (Signed) Jacques Livaudais.

The third witness gives his testimony.

July 7, 1783. On his own plantation, Jacques Livaudais, Commander of the Tchoupitoulas Coast, in virtue of the commission, here attached, sent by His Lordship, Señor Don Estevan de Miro, Governor of this Province, caused to appear before him, Simon, a free negro, to testify in the suit instituted by Bacus, against Mrs. Guillermo's slave, and after he had taken oath to speak the truth, the following questions were put to him:

1st Q. Did he go to the fire that burned the rice belonging to the free negro? The witness said no.

2nd Q. Did he see Mrs. Guillaume's negro, Luis, on that day? Yes.

3rd Q. Where did he see him? On the main road between Mr. Alfonce's and Mr. Glaude's places.

4th Q. What time was it when he saw him? About 2 o'clock in the afternoon.

5th Q. Was he alone? Luis was alone, but the witness was with Josef Boré, a free mulatto.

6th Q. Did he speak to Luis? Yes, he asked him from whence he had come. He answered he had come from the fire that was burning Bacus' rice. The witness was asked whether he knew who had started the fire. He said no, he was not there when the straw caught on fire.

He declared he had nothing more to say. He was asked his age; he answered, 40 years old. He did not know how to sign. (Signed) Jacques Livaudais.

The fourth witness testifies.

April 15, 1785. Jacques Livaudais, on his own plantation, caused Bacus' two negroes, Cofie and Tame, to appear before him to testify in the suit brought by their master against Mrs. Guillaume's slave, and after taking oath in the customary way, the following questions were put to them:

1st. Were they at the fire? Yes.

2nd. Did they see Mrs. Guillaume's negroes at the fire? Yes, and they asked Colas whether he was the one who had started the fire. He said no, it was his brother, Luis, who had done so, and if the latter had been willing to go hunting for aurochs (or cats) in the prairie, as he wished him to do, this would not have happened.

3rd. Did they speak to Luis? No, Luis was then on the levee, holding his gun and a rabbit.

They answered they had nothing more to say; what has been declared is the truth, and that they are about 30 years of age. (Signed) Jacques Livaudais.

Fifth witness testifies.

July 15, 1785. Jacques Livaudais, on his own plantation, caused Josef Boré, a free mulatto, to appear before him to testify in the suit brought by Bacus against Mrs. Guillaume's slave, and after he had taken oath to speak the truth, in conformity to law, the following questions were put to him:

1st. Was he at the fire that burnt Bacus' and Jean Batiste's rice? Yes.

2nd. At what hour? At about 2 o'clock in the afternoon.

3rd. Was he alone? No he was with Simon, a free negro.

4th. Had he gone by the road, or by the field? By the road.

5th. Did he meet anyone on the road? He met Mrs. Guillaume's Luis.

6th. Did he have a gun? Yes.

7th. Did he speak to him? Yes, he asked him whether he had been to the fire and Luis told him yes. He then asked him whether he knew who had started it, and the said Luis answered no.

8th. Afterwards, did he hear anyone say who started the fire? He heard people say it was Luis who had done so.

9th. On whose plantation was he when he met Luis? He was between Mr. Alfonce's and Mr. Glaude's places.

He declared he had nothing more to say and what he has stated is the truth. He is 24 years of age, and he signed. (Signed) Joseph Baure; Jacques Livaudais.

The sixth witness testifies.

February 28, 1785. Jacques Livaudais caused Mr. Felipe (Philippe Bourin) to appear before him to testify in the suit brought by Bacus against Mrs. Guillaume's negro, and after he had taken oath to speak the truth, the following questions were put to him:

1st. Did he see Mrs. Guillaume's negro the day the fire burnt his neighbor's rice? Yes, he saw him at the entrance to the woods, behind Janot's plantation, in the rice field, near the boundary line of Jean Batiste's place.

2nd. Did he speak to him? Cola asked him where Jano's negro, Jacques, was? He answered: he is in the woods working.

3rd. At what time did he leave them? At about 11 o'clock in the morning.

4th. Did they have guns? Luis had one.

5th. Did he see any others in the field? No.

6th. Did he go to the fire and did he see Mrs. Guillaume's negroes there? He ran to the fire with Mrs. Dufaut, and immediately after she returned to her house to see that the fire did not spread to it. At that time there was nothing burning except Mrs. Dufaut's (fence) and the negro's rice field.

He declared he had nothing more to say and that what he had stated is the truth. He is 31 years of age, and he signed with the Commander. (Signed) Jacques Livaudais; Philippe Bourin.

The seventh witness testifies.

February 28, 1785. Jacques Livaudais caused Mrs. Dufaut to appear before him to testify in the suit brought by Bachus against Mrs. Guillaume's slave, and after she had taken oath to speak the truth, the following questions were put to her:

1st. Did she see Mrs. Guillaume's negroes the day the fire burnt Bacus' rice and fence and his neighbor's field? Yes, at about eight o'clock in the morning, Colas and his brother, Luis, passed along her road, near her field, in a cart; she spoke to them, asked them where they were going, but they did not answer her.

2nd. Did these negroes have guns? Luis had one. She said to him: You are going to start a fire with your gun. He did not answer her and continued on his way.

3rd. What time did the fire start? Between 11 o'clock and midday. She cast a glance to the side and saw her neighbor's grass was on fire. She went with the rest of the people around to help control the fire.

4th. Did she see Mrs. Guillaume's negroes there? Cola was the only one she saw while the fire lasted. He helped to put it out, with the assistance of a negress, his sister. They remained until the fire was entirely out. When she asked Cola whether he had started the blaze, he said no, it was his brother, Luis, who had done so.

She declared she had nothing more to say and that what she has stated is the truth. She is 38 years of age, and she made her ordinary mark, because she does not know how to write. A Cross indicates Mrs. Dufaut's ordinary mark. (Signed) Jacques Livaudais.

The eighth witness testifies.

February 28, 1785. Jacques Livaudais caused Mrs. Boicler's (Boisclair) negro, Oreste, to appear before him to testify in the suit brought by Bacus against Mrs. Guillaume's negro, and after taking oath to speak the truth, the following questions were put to him:

1st. Was he on Jean Batiste's plantation when the fire started? No, he was at the free negro, Alexandro's, house, who is his neighbor, back of Bacus' plantation, and when he saw the

fire he ran to it, where he met Mrs. Guillaume's Luis, with a gun and a rabbit. He asked him whether it was not he who started the fire. He said no, and at the same time gained the bank of the river that is at the side of his owner's plantation.

2nd. Did he see any other negroes at the fire? He saw Janot, a free mulatto, one of Mr. Sant Aman(t)'s slaves, and also one of Mrs. Guillaume's, besides the negress belonging to her.

3rd. Had he heard anyone say who started the fire? Mrs. Dufaut asked Cola whether it was he who had set fire to the straw and heard him answer: "No, it was not I, but my brother, Luis, who had done so."

He has nothing further to declare and what he has stated is the truth. He is 50 years old. (Signed) Jacques Livaudais.

Report of the Arbitrators.

We the undersigned arbitrators, named by Jacques Livaudais to appraise the damages to Jean Batiste's, Bachus' and Janot's plantations, cauesd by fire: to the first, eleven and one-third arpents of rice, rated at 20 barrels to the arpent by Joseph Casenave after he had seen and handled it; 62 pickets, or separation fence stakes, defective, the one-half worth the value of new pickets. To Bacus, 1 stack rated at 60 barrels of rice; 111 pickets, or separation fence stakes, also defective, making 550 pickets, the one-half, rated as above. The frame of a house, on joists, 33 feet long by 20 wide, front and back galleries, two cabinets above the latter, all boarded up on top and below, the galleries with floors only, and without roofs. The cross beams have the ends charred; these and the joists may be used again. We refer the valuation of all the aforesaid to experts. To Janot, the free mulatto, 34 pickets, or separation fence stakes, also defective, making 170 stakes, the one-half, rated as above. Jean Batiste has declared to us that there were 2 cartloads of rice belonging to Mrs. Boicler's slave and 1 cartload to a negro named Pierre, Mr. St. Amant's slave.

Some debris remained of the house and also of the pickets.

Done in Tchoupitoulas conscientiously and in good faith. February 5, 1785. (Signed) Alphonse Perret; Alexandre St. Amant; A Cross indicates the ordinary mark of Joseph Casenave; Jacques Livaudais.

Certified copy of a Power of Attorney.

The next entry is a certified copy of a Procuration, dated January 21, 1785, executed by Fernando Rodriguez, by which the free negroes, Bacus and Juan Luis Bautista, empower Pedro Bertonière to represent them in the suit they prosecute against Mrs. Guillaume's slave, Luis, to collect damages caused by a fire he started.

The Plaintiffs petition the Court to declare the proceedings taken at Tchoupitoulas as sufficient.

On February 14, 1785, Pedro Bertonière, acting for Nicolas Bacus and Juan Bautista, sets forth: That in answer to his clients' last representation, it has pleased His Lordship to order an examination and appraisement of their losses, which was to have been made on their plantations, by the immediate neighbors, in the presence of Santiago Livaudais, Commander of the District. This was done, as may be proven by the documents duly presented, which they pray the Court to declare as sufficient, and in consequence of same to condemn the guilty persons who have caused the fire, to pay them damages, losses and prejudices sustained, and to the punishment they deserve in accordance with what they have just stated, and also to assume the costs of the case. Governor Miro, on Assessor Postigo's advice, decrees:

Decree.

February 14, 1785, the Procuration having been presented and the estimate of losses having been made by the immediate neighbors, and considering that they do not live in this Capital, he cannot examine the persons who might know the parties that had caused the fire. Therefore, he commissions Santiago Livaudais so that he may collect the necessary evidence to sustain the claim.

Second Decree.

Nothing further is done for two years, then on February 28, 1787, Governor Miro, on Assessor Postigo's advice, rules: Let the documents presented be translated by Juan Josef Duforest and done send the records to Mrs. Guillaume.

[**Translator's Note.**—The documents in this case are not filed in chronological order. The estimate made by experts at the Tchoupitoulas Coast is dated February 5, 1785, the petition to present it, February 15, 1785, the ruling to same commissions Santiago Livaudais to take the testimony of witnesses in his District, as he states at the beginning of each set of questions propounded, therefore the evidence given April 11, July 7, April 15, July 15, February 28, etc., are not in sequence.—L. L. P.]

First Notification.

On the said day, month and year (February 28, 1787), the Escribano looked everywhere in the city for Mrs. Guillaume and was told that she was on her plantation. In testimony whereof he sets this down as a matter of record.

Second Notification.

On the said day, month and year, the Escribano notified Juan Josef Duforest, who said he accepted and did accept and swore by God and the Cross to proceed well and faithfully with the translation he has been ordered to make.

Translation.

In the city of New Orleans, on March 1, 1789, Juan Josef Duforest, in virtue of the foregoing decree, made the translation as he has been ordered to do in the following manner: From page 26 to the reverse side of page 27, contain the Spanish translations of the French documents already summarized.

Bacus petitions for a Writ of Citation.

Nothing further is done until January 2, 1788, when Bacus, one of the plaintiffs, sets forth that his last petition was sent to Mrs. Guillaume, and whereas the said lady resides on her plantation, as may be proven from the Escribano's report, therefore he prays for a Writ of Citation to be committed to some competent person for delivery, causing her to appear so as to be made acquainted with the contents of the petition pending. Esteban Miro, on Juan del Postigo's advice, rules: As it is prayed.

Writ of Citation.

Upon a decree rendered by Estevan Miro, Governor General of this Province, dated this day (January 22, 1788), a Minister of Justice is ordered to cite Mrs. Guillaume to appear in his office to be made acquainted with the contents of a petition that is pending. New Orleans, January 22, 1788. (Signed) Fernando Rodriguez, Clerk of the Court.

The Deputy Sheriff's report.

In the city of New Orleans, on March 3, 1788, before the Escribano, appeared Nicolas Fromentin, Deputy Sheriff, and he reported that he went to Mrs. Guillaume's plantation, four leagues away, on the other side of the upper river, and upon arriving there he notified her of the contents of the Writ. She answered that she would present herself in this city, immediately, and in testimony whereof he sets this down as a matter of record which he signs. (Signed) N. Fromentin. Before Fernando Rodriguez, Clerk of the Court.

The defendant answers, asking to have the plaintiffs put in perpetual silence.

On March 10, 1788, Mariana Bergeron, widow of Guillermo Bienvenu, sets forth that in answer to the petition given her in the suit instituted by the free negroes, Nicolas Bacus and Juan Bautista, demanding that she pay for the damages caused by fire on their plantations, supposed to have been started by her slave, Luis, etc., and whereas according to the proceedings, up to the present, nothing has been proven that can be considered worthy of consideration, not even in any part of the body of false accusations of a crime attributed to her negro, nor is there any direct evidence against him. Therefore, she prays His Lordship to decree that the plaintiffs' claim is unfounded and to condemn them to perpetual silence and to the payment of the costs of the case, and to free her slave of the false charges brought against him. A marginal note reads: Presented

for this party who does not know how to write, to which the Escribano attests. To this unsigned petition, Governor Miro, on Assessor Postigo's advice, rules: Let this petition be sent to the plaintiffs.

Nicolas Bacus and Jean Bautista answer, asking to have the defendant condemned to pay damages.

A marginal note stipulates that this petition is presented for parties who do not know how to write. (Signed) Pedro Pedesclaux, who has become Clerk of the Court. The plaintiffs set forth that if the testimony given, up to the present, is not sufficient, as their opponent claims, they will offer as many other witnesses as may be necessary, however, as her object seems to be to delay these proceedings and by such means to cause them to abandon the case which they certainly will not do, because harm enough had been done already, without the defendant wishing to make untrue a thing that is well known and evident. Therefore, they pray His Lordship, in merits of justice and as a result of the records of the case, to condemn the lady to pay them for their losses and the damages maliciously caused by her slave, together with the costs of this suit. Esteban Miro, on Juan del Postigo's advice, orders this petition sent to the opposition.

The defendant answers again, praying to put the plaintiffs in perpetual silence.

Mariana Bergeron (Mrs. Guillermo Bienvenu) answers the above petition by praying the Court, in strict terms of justice, to condemn the plaintiffs to perpetual silence because of their unfounded and false charges, and to pay all costs. Governor Miro, on Assessor Postigo's advice, receives this request for a future ruling.

Decree.

In the city of New Orleans, on April 14, 1788, Esteban Miro, Governor General of this Province for His Majesty, having seen these records, said: That he must receive and does receive this cause for trial, within a period of 9 common days, during which time both parties must allege and prove whatever may be suitable and be cited reciprocally to summon, swear in and examine the witnesses which they will mutually present, one against the other. For this is his decree, thus he has ordered and signed, on the advice of his Auditor of War. (Signed) Esteban Miro; Licenciado Postigo.

Juan Bautista petitions for the records of the case.

Nothing further is done until June 27, 1790. On this date Juan Bautista petitions to say that in order to acquaint himself with the present condition of this suit, he prays the Court to cause the records of same to be delivered to him for the length of time the law permits. Governor Miro, on Juan del Postigo's advice, rules: As it is prayed.

Bacus petitions for a Publication of the Proofs.

On July 19, 1790, Bacus petitions, stating that this cause has been received for trial within a period of 9 common days, and this time which the law requires,

has much more than passed, therefore he prays the Court to order a publication of the testimony that has been given in the process, and to decree that it be delivered to the parties so that they may allege as well proven. Esteban Miro, on Assessor Postigo's advice, rules: Let the above be sent to the other interested parties.

Notification.

On the said day (July 19, 1790), the Escribano looked for Mariana Bergeron, widow of Guillermo Bienvenu, and was told that she would be found in the country. In testimony whereof he attests and signs this proceeding. (Signed) Pedesclaux, Notary.

Bacus petitions for a Writ of Citation.

On August 4, 1790, Bacus again petitions to say that when the time for receiving testimony had passed, he prayed for a publication of same. This said petition was ordered sent to Mrs. Bienvenu, but as appears from the proceeding, she resides on her plantation, therefore he prays for a Writ of Citation. Governor Miro, on Assessor Postigo's advice, rules: As it is prayed.

Marginal Note.

A marginal note stipulates that on this same day, a Writ of Citation was issued and delivered to the party, to which the Escribano attests.

Mrs. Bienvenu offers no objections to a publication of the testimony.

The defendant petitions to say she offers no objections to a publication of the testimony and the delivery of the records of the process to the parties, so that they may allege as well proven. Esteban Miro, on Juan del Postigo's advice, receives this petition and on August 21, 1790, decrees:

Decree.

Let a publication of the testimony be made, as requested by both parties, and if any one of them has failed to produce evidence this fact must be certified to, and done deliver the records, by the Court's order, to the plaintiff and defense, so that they may allege as well proven. (Signed) Estevan Miro; Licenciado Postigo.

Power of Attorney.

The next entry is a certified copy of a Procuration by which Mariana Bergeron, Widow Bienvenu, appoints Estevan de Quiñones to act in her name and to represent her person, rights and actions, and to defend her in the suit brought against her by Nicolas Bacus, to collect damages.

Mrs. Bienvenu petitions to have her Procuration filed with the records.

On August 27, 1790, the defendant prays to have her Power of Attorney, which she now presents, filed with the records of the case. Governor Miro, on Juan del Postigo's advice, rules: The Procuration having been presented, let it be included with this part of the proceeding, as the defendant wishes done.

Mrs. Bienvenu presents a second petition asking to have the plaintiff cited.

The defendant further states that many days have passed since the records of the case were ordered delivered to Bacus to allege as well proven, and whereas he has been absent on his plantation, but failed to take them with him, therefore she prays to have a Writ of Citation issued and entrusted to a Minister of Justice to summon him to appear in the Escribano's office, to be made acquainted with the contents of the said records, and to forbid him to leave the city without granting his Power of Attorney to some well known person, who will represent him until this suit is finished. Esteban Miro, on Juan del Postigo's advice, rules: As it is prayed.

Marginal Note.

A marginal note specifies that the Writ that was ordered has been issued and delivered to the party, on the day it was requested. To which Pedro Pedesclaux attests.

Writ of Citation.

By decree, dated this day, rendered by Estevan Miro, Brigadier of the Royal Armies, Governor and Intendant General of this Province, it is ordered that any Minister of Justice will cause to appear in the Public Office under his charge, the free negro, named Bacus, so that he may be made acquainted with the contents of a certain decree. New Orleans, September 3, 1790.

Report of the service of the Writ.

In the city of New Orleans, on September 17, 1790, Josef Valler, Minister of Justice, appeared in the Public Office in Pedro Pedesclaux' charge and said that he went to Bacus' plantation, about 4 leagues away from the city, on the other side of the upper river, to notify him of the contents of the foregoing decree and found him sick in bed; for this reason he could not come down to the city, but said he would do so when he recovered from his illness. In testimony whereof, he sets this down as a matter of record, to which the Escribano attests. (Signed) Josef Valler. Before Pedro Pedesclaux, Clerk of the Court.

The record ends here and therefore is unfinished.

January 21.

Testimony given at the instance of Juan Pedro Francisco Bruno Aubry to prove that Juan Lafite had no property when he contracted marriage with Elizabeth Roche, nor did he leave anything after his death.

Juan Pedro Francisco Bruno Aubry, as husband of Elizabeth Roche, widow of Juan Lafite, presents himself before the Court to state that it is convenient to him to present witnesses who will testify under oath as to whether Jean Lafite had any estate when he contracted marriage with the said Elizabeth Roche, or left anything when he died, and done, if the result conforms to his claim, to ap-

No. 2979. 8 pp.

Court of Alcalde Nicolas Forstall.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

This legal action, brought by the husband of a lady to prove that her former husband had no estate when he contracted marriage with said lady and that he left nothing at his death, is interesting, though the real reason for such Court procedure is not revealed in the document. After hearing the testimony of witnesses in the case, the Court sustained the husband's contention.

Testimony of the witnesses.

In the city of New Orleans, on January 24, 1785, Juan Pedro Francisco Bruno Aubry presents Francisco Lioteaud, as witness, to give the testimony he has offered and has been ordered to submit, and after the Escribano, in virtue of the commission conferred upon him by the foregoing decree, received Mr. Lioteaud's oath, which was taken by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and when examined on the tenor of the foregoing petition he declared that Juan Lafite, late resident of this city, had no property when he contracted marriage with Elizabeth Roche, and left absolutely nothing at his death, which is publicly and generally known. He is certain of this because Mr. Lafite was his intimate friend and they had daily intercourse with each other. What he has stated is the truth, under charge of his oath, and he is 38 years of age. He signed, to which the Escribano attests. (Signed) Francisco Lioteaud. Before Fernando Rodriguez, Clerk of the Court.

Two other witnesses testify.

Arnaldo Magnon and Carlos Vivant corroborate Mr. Lioteaud's declaration, so Nicolas Forstall rules: Let these depositions be sent to the Assessor, and on February 4, 1785, decrees: Let these proceedings be delivered to Juan Pedro Francisco Bruno Aubry so that he may petition for whatever will be convenient to him.

Decree.

Mr. Aubry petitions the Court to interpose its judicial decree.

The petitioner sets forth that, as husband of Elizabeth Roche, he has brought suit in His Honor's Court and has proven there that Juan Lafite had no estate when he contracted marriage with the said Elizabeth Roche, nor did he leave anything at the time of his death. Therefore he prays Alcalde Forstall to approve the testimony of his witnesses; to interpose his authority and judicial decree, and to order the prove the said testimony. Nicolas Forstall rules: Let the witnesses this party will present swear and declare to the tenor of this written petition, entrust the taking of their depositions to the present Escribano, and done deliver them to Mr. Aubry.

Escribano to give him a copy of this proceeding, and he will promptly pay all due fees. Alcalde Forstall rules: Let this petition be received and sent to the Assessor for legal advice.

Decree.

In the city of New Orleans, on February 10, 1785, Nicolas Forstall, Regidor Perpetuo and Senior Alcalde Ordinario of this city and its jurisdiction, having seen these records, said: That he must declare and does declare the testimony given by Pedro Francisco Bruno Aubry's witnesses as sufficient, and for greater validation and force he interposes and does interpose his authority and judicial decree, in as much as he can and must, for this is his decree, for thus has he provided, ordered and signed. Fees 3 pesos. (Signed) N. Forstall; Licenciado Postigo.

Taxation of costs.

On February 10, 1785, Fernando Rodriguez taxes costs at 13 pesos 4 reales.

January 25.

Juan Durel petitions for a permit to sell a brigantine, named the San Luis.

No. 60. 13 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This proceeding illustrates the legal formalities by which the captain and owner of a ship, which had grounded in the river, abandoned all claim to it and transferred title to it to a second party; also the legal procedure involved in said ship's sale at public auction by the new owner, and the manner in which the final purchaser is put into formal possession of said ship. The case is handled in the Court of the Intendant, which had jurisdiction in all such matters.

The first entry is a certified copy of a Notarial Act of Abandonment, and reads: In the city of New Orleans, at about 11 o'clock in the morning of the twenty-fifth day of January of the year one thousand seven hundred and eighty-five, before the Escribano and witnesses, appeared Juan Poussou, a resident of this city and Captain of the brigantine, named the *San Luis*, stranded at the levee of this port, known to the said Escribano, to declare that pursuant to the protest executed before Rafael Perdomo, dated January 3rd of the current year, concerning the said stranding, more extensively set forth in that instrument, in accordance with which he protests for the first, second, third and as many times as the law requires, and in consequence whereof all suits must be brought against the one who is responsible. For this end he gives up and abandons the said ship with all its riggings, anchors, cables, sails, and the rest of the attached and detached parts, together with any lawsuits that may follow over the said vessel and its abovestated equipment, on account of the irreparable grounding it has suffered, because he has surrendered, renounced and transferred it to Juan Durel, resident and merchant of this city, to whom, by judgment, the boat now belongs by reason of the consignment to him of the cargo the

San Luis brought to this Port, which he has accepted. And so that this abandonment and relinquishment may be evident, in the best form of law and for all times, he reduces it to a public written act, to be used when necessary, where and against whomsoever it may concern. In testimony whereof, this instrument is drawn up and signed, the witnesses, here present, were Manuel Garber and Manuel Monrroy. (Signed) Juan Poussou; Before Rafael Perdomo, Notary Public. Cross and Flourish.

The Escribano gives this copy, corrected with the original, at the request of the party, on the day it was executed. (Signed) Rafael Perdomo.

Juan Durel petitions to sell the abandoned ship.

In a petition to the Intendant General, Juan Durel avers that he is the owner of a vessel, the *San Luis*, Juan Poussou, Captain, cleared from Puerto Prince (Port au Prince), which has been grounded in the river for about a month, so for this reason the hulk and the rest of the appurtenances have been abandoned, and he wishes to sell same at public and judicial sale, for the benefit and account of whomsoever it may belong, and to accomplish this purpose he prays His Lordship to render the necessary decree authorizing him to make the sale.

Decree.

The certified copy having been presented, as stated, let the auction sale of the brigantine *San Luis*, be held by the present Escribano, to whom the necessary commission is given for the purpose. Proceed with the public calls and other formalities for this sale, in accordance with the request already made, and done return the matter to the Court. (Signed) Navarro; Postigo.

Public Calls.

The first, second and third public calls are made January 26th and 29th and February 1st, and on February 4th the public sale is held.

The Auction.

In the city of New Orleans, on February 4, 1785, the Escribano, in virtue of the commission conferred upon him by the foregoing decree, standing in the Public Square, held the auction sale of the brigantine *San Luis*, in the presence of Juan Bautista Durel. The Escribano called: Whoever is willing to make a bid on this ship, let him come forward and it will be received, because this sale must be effected by 12 o'clock today, to the person willing to pay the most in cash. At this stage Josef Diaz appeared and bid 1000 pesos, which was admitted and cried; then Geronimo Lachapela offered 1200 pesos, and Juan Lino raised it to 1500 pesos; Juan Grabier (Gravier) made the last tender, namely, 1525 pesos. Then because the midday Angelus rang, the auctioneer tried to increase this offer by saying: 1525 pesos has been bid on the brigantine, if anyone is willing to pay more, let him appear and his proffer will be accepted; warning

them that the sale was about to be carried into effect, he said once, twice and for the third time, this is a good and valid offer, and the ship is now adjudicated to the highest bidder, Juan Gravier, who obligates himself to comply with the conditions of the sale. The purchaser signed with Juan Durel, to which the Escribano attests. (Signed) Jn. Gravier; Juan Durel. Before Rafael Perdomo.

Juan Gravier petitions to be put into possession of the brigantine.

Juan Gravier petitions to say that in the supposition that the *San Luis* has been adjudicated to him, as the highest bidder, for the sum of 1525 pesos, which it has pleased the Court to order sold at public auction before the present Escribano, at the instance of Juan Durel, the interested party, and in consequence of same, he makes real and physical delivery of the said amount, so that it may be duly placed at the end of this proceeding for its credit, numeration and execution. Therefore he prays His Lordship to order the present Escribano, with all legal formalities, to put him in due possession of the ship. Martin Navarro, on Juan del Postigo's advice, decree: Whereas, having exhibited the sum at which the brigantine *San Luis*, was sold, let this party be put into possession of it by the present Escribano, in accordance with his request.

Credit and numeration of 1525 pesos.

In the city of New Orleans, on the said day, month and year (February 9, 1785), before the Escribano, appeared Juan Gravier, a resident of this city and he exhibited before the former the sum of 1525 pesos, the amount at which the brigantine *San Luis* was adjudicated to him, at public auction. The said Escribano holds this amount in his possession, at the disposition of the Court, to which Rafael Perdomo attests.

Proceedings for taking possession of the brigantine.

In the city of New Orleans, on February 19, 1785, at about 10 o'clock in the morning, the Escribano, pursuant to the foregoing decree, personally conducted Juan Gravier, a resident of this port, on board the brigantine *San Luis*, Captain Juan Poussou, Master, at the side of the levee of the river, which was abondoned because it had grounded, to Juan Durel of this same city and port, on January 20th [25th] of the current year, before the present Escribano, as consignee of the cargo it had brought to New Orleans. The said Juan Gravier opened and closed the doors of the cabins and hatchways, he went to the upper decks, cabin, between decks and hold of the ship, mounted and descended the deck ladders, went out over the sides, etc. All these abovestated acts were executed by Juan Gravier as a sign of true, real, actual, civil, and lawful possession that he has taken of the brigantine, which was quietly and peacefully given to him without opposition from any person, pursuant to the said decree, which protects and does protect him so that he may never be deprived of it. Antonio Mendez and Manuel Garbes, here present, were witness to these proceedings, to which the Escribano attests.

Receipt.

In the city of New Orleans, on the said day, month and year (February 10, 1785), before the Escribano, appeared Juan Durel, resident of this city, known to the former, who delivered the 1525 pesos to him as was noted in the foregoing exhibition made in his presence by Juan Gravier, to whom the brigantine *San Luis* was sold. Mr. Durel acknowledges to have received this sum and draws up the corresponding receipt for it, which he signed and to which Rafael Perdomo attests. (Signed) Jean Durel. Before the Notary, Clerk of the Royal Treasury.

Decree.

New Orleans, February 16, 1785. Considering that these proceedings have been finished, let a taxation of costs be made by Luis Lioteau, who must be notified for his acceptation and oath, which will be paid by the party who has instituted suit.

Notification, acceptation and oath.

On the said day, month and year (February 16, 1785), Luis Lioteau was personally notified, and he said that he accepted and did accept and swore by God and the Cross, according to law, to proceed well and faithfully with the taxation he has been ordered to make, and he signed, to which the Escribano attests. (Signed) Luis Lioteau. Before Rafael Perdomo, Notary Public and Clerk of the Royal Treasury.

Taxation of Costs.

On February 16, 1785, Luis Lioteau taxes costs at 15 pesos 6 reales.

January 27.

Luis Boisdoré vs. Pedro Cazelard.

No. 2987. 6 pp.

Court of Alcalde René de Kernion.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

To collect a debt.

This case involves an attempt by two New Orleans surgeons to collect from the owner of some slaves a bill for medicines and medical treatment of said slaves, while they were in the service of another party under lease. Since the defendant proved that, according to the terms of the lease, he was not bound to provide medicines and medical care to said slaves while they were under service to another party, the Court found for the defendant and assessed the costs of the suit against the plaintiffs.

Luis Boisdoré and Juan Senac, Surgeons in partnership, appear before the Court and set forth: That they supplied medicines, treated and cured the negroes on Pedro Cazelar's plantation during the years, 1783 and '84, while both plantation and slaves were leased to Honorato Delachaise, and whereas they have instituted suit today to collect their bill of 29 pesos 4 reales, he refuses to pay. Therefore they pray Alcalde de Kernion to order the defendant to do so without delay. René de Kernion rules: Send this petition to Pedro Cazelar.

Drs. Boisdoré and Senac pray to have the defendant condemned to pay costs.

On February 15, 1785, Drs. Boisdoré and Senac allege that although their petition has been given to Mr. Cazelar, many days have passed and he does not answer, therefore they pray, because he has failed to do so, that he be condemned to pay all costs, together with the amount demanded. The Court rules: Send this petition to the Auditor (of War).

The plaintiffs ask to have the defendant declared in default.

On April 5, 1785, the plaintiffs, in a second petition, aver that their foregoing demand has been sent to the defendant, and they now accuse him of being in defaut, since up to the present he has not answered, nor paid any amount on what he lawfully owes. Therefore they pray the Court to order this debt paid without delay. Alcalde de Kernion rules: Let the defendant appear for the first audience, with a warning that if he does not do so he will be made to appear by judicial compulsion.

The defendant refuses to be held responsible for the debt.

On April 9, 1785, Pedro Cazelar answers, stating that Luis Boisdoré has brought suit against him to collect 30 or more pesos, due for medical treatment of the negroes on his plantation during the time they were hired to Onorato de la Chaise, who, as their master while they were leased to him, was obligated to maintain them and to have them treated when they worked for him, as appears from the written act, presented in the case prosecuted by the petitioner against de Lachees (De la Chaise) for delivery of the abovesaid plantation and slaves. He declares he will not pay for the medical treatment of the negroes while they were under lease, as it is not just that he should. Therefore he prays the Court, upon seeing the said written document, to exclude Dr. Boisdoré's pretentions and to order him to direct his action against the one legally responsible. René de Kernion rules: Let this petition be sent to the Auditor (of War). Later, on Juan del Postigo's advice, he receives it and on April 2, 1785, decrees:

Decree.

Whereas: the petition for the payment of 30 pesos or more, that this party demands from Pedro Cazelar, is denied, because according to the act of lease he is not the one who has to pay for the medical treatment of the negroes on his plantation. (Signed) René Huchet de Kernion; Licenciado Juan del Postigo.

The Clerk of the Court prays for a taxation of the costs.

Fernando Rodriguez, Clerk of the Court, appears and states that Luis Boisdoré prosecuted a suit against Pedro Cazelar to collect a debt, and that his pretentions were excluded, because unjust, therefore he prays for a taxation of the cost of this said suit, which must be paid by the forenamed

Luis Boisdoré. The Court rules: As it is prayed. Let the costs be taxed by Luis Lioteau, who must first be notified for his acceptation and oath. This judgment is unsigned.

Notification, acceptation and oath.

In the city of New Orleans, on the said day, month and year (May 3, 1785), the Escribano personally notified Luis Lioteau, Public Taxer, of the foregoing decree, who said he accepted and did accept and swore by God, Our Lord, and the Cross, according to law, to proceed well and faithfully with the taxation he has been ordered to make, and he signed. Luis Lioteau failed to sign.

[**Translator's Note:**—The taxation of costs is missing from this record.—L. L. P.]

January 27.

Proceedings brought by Juan Gravier against Pedro Acher to cause him to give an account of funds in his keeping.

No. 83, 10 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in collecting funds owed by New Orleans merchants to a French merchant of Bordeaux.

The first document filed in this suit is a power of attorney, written in French, on stamped paper, which reads, in part: July 19, 1784, before the Counsellors of the King, undersigned Notaries of Bordeaux, was present Bertrand Gravier, Senior, a merchant of Bordeaux, living on de la Tour de Gassier Street, Parish of Saint Pierre, who has made and constituted as his general and special attorney, Jean Gravier, his brother, now in New Orleans, Louisiana.

He hereby confirms the powers already given to his attorney, by procuration dated the 6th of last April, and in addition grants him the faculty to act in the constituent's name, as owner of the ship, the *Saint Esprit*, sent to New Orleans by the latter, and to represent him in all and for all matters relative to the said ship, freight, loading, discharging and equipment and to sell the rest of the cargo, still unsold, on the arrival of this power of attorney; to make all collections for goods belonging to the cargo, to the full extent of their value, funds, amounts, titles, papers and accessories; to cause accounts to be rendered, particularly by Messrs. Reaud and Fortier, merchants of the said city, and Mr. Acher, Captain of the said vessel, for all articles of any kind, that they can have, or ought to have of the cargo carried by the *Saint Esprit*; to receive all the said articles, funds, amounts, titles and papers; to adjust the accounts of the aforenamed gentlemen and of any other persons, as may seem suitable; argue, debate, conclude and stop the said accounts; to fix balances and, as attorney, to receive them if he judges proper to do

so; and to sell the *Saint Esprit* to whomsoever may seem fit, for a price he may consider just; and to receive the full amount of same; to cause Captain Acher to render an account of the 42091 livres 17 sols, the constituent delivered to him to invest in a private venture, at one-half interest in profit and loss, funds having been supplied by the said constituent; to receive the capital, and one-half of the profits, or if there has been a loss, to make the said Acher pay one-half of it and also to require him to give an account of the brigantine, the *Mississippi*, that he bought for Mr. Bertrand Gravier, as well as of the voyage he made to Havana with the *Saint Esprit*, accompanied by the said brigantine, both loaded with lumber, and to give receipts and discharges for all that he will receive. The constituent also revokes all orders and procurations that he has given to the said Acher, both at his sailing and by letter, forbidding him to interfere in these matters under the penalty of having to answer for them in his own name. He gives his attorney the power to dismiss Mr. Acher and to name another in his place, after the former has verified the accounts of his administration, or some one appointed for that purpose has done so; also to discharge all offcials of the two ships, if Mr. Jean Gravier judges it necessary, and to take on others at the salaries and wages that will seem fit; and in case of refusal to surrender the accounts, or to deliver the part collected from the debtors, or those accountable for the said ship and its cargo, he must take proper measures for the accomplishment of all the abovesaid, and finally, if a dispute should arise for any reason whatsoever, he will then take legal action to allege, plead, oppose, appeal, declare, produce evidence and demand, as may be required; to constitute, revoke and substitute procurators and lawyers for the suit; to obtain sentences and to cause them to be put into execution; to bring procedure for all embargoes, oppositions and sentences; to elect domicile and to ask disembargoes; to give acquittances to all parties; to contract; to accommodate differences; to concede and to compromise; according to the clauses and conditions that the attorney may hold as convenient; to draw up and sign any instrument; to change this present procuration in all, or a part and in general, because of circumstances and conditions, to do all that the constituent has the right to do, if he were present, although not stipulated in this document which will hold in full force and vigor until the said revocation, promising, obligating, etc., a copy of which he has given at the instance of the party.

Done and executed in Bordeaux, in the Archives of Gabriel Sejourne, Senior, one of the said Notaries, in the year one thousand seven hundred and eighty-four, the nineteenth day of July, before midday, and he signed with them in the original of these presents, that remain in the custody of the said Sejourne. Registered in Bordeaux by Abanère, who received 15 sols, including 10 sols for issue. (Signed) Morin; Sejourne.

Comprobation.

We, Josef Sebastian De la Rose, Counsellor of State and for the Parliament of Bordeaux, Presiding President, Lieutenant General of the Seneschal and Presiding Judge of Guienne, Conservator of the Royal Privileges of the University of Bordeaux, and Royal Prevost of Lombrière, certify, wherever it may be necessary that the foregoing signatures are those of Messrs. Morin and Sejourne, Counsellors of the King, Notaries in Bordeaux, and that all faith and credit must be given to them both in and out of Court. Given in Bordeaux in our Mansion on July 22, 1784. (Signed) De la Rose.

Don Manuel de las Heras, Consul General of Spain in the Department of Bordeaux. I certify that Don Joseph Sebastian de la Rose who signed the foregoing legalization is a Counsellor of State and of the Parliament of Bordeaux, Presiding President, Lieutenant General of the Seneschal and Presiding Judge of Guienne, Conservator of the Royal Privileges of the University of Bordeaux and Royal Prevost of Lombrière, as he has it; that the signature appearing on the said authentication is his and the one he is accustomed to make, and that entire faith and credit must be given to it both in justice and outside of it, for ends that may be convenient. I give the present in Bordeaux, October 5, 1784. (Signed) Manuel de las Heras.

Juan Gravier petitions to place an embargo on money owed to the defendant.

Juan Gravier petitions, saying it has come to his notice that Juan Josef Duforest owes Pedro Hacher (Acher) 1600 pesos, more or less, and that Juan Bautista de Macarty owes him 2689 pesos 6 reales, and considering that the plaintiff is in the city, he presents himself in Court, with sufficient power, according to the foregoing procuration, to receive an accounting from the defendant, of the cargo of the *Saint Esprit* and of the money entrusted to him for a private venture. He has already made a judicial seizure of funds in Alexo Reaud's possession, dated August 23, 1784. Therefore he prays Governor Miro, in the interim, to order the said accounts liquidated and that Messrs. de Macarty and Duforest retain the sums they owe Hacher, until a decision will be rendered. Esteban Miro, on Juan del Postigo's advice, rules: The power of attorney having been presented, let it be translated by Juan Josef Duforest, after he has accepted and taken oath.

Notification, acceptation and oath.

On the said day, month and year (January 27, 1785), Juan Josef Duforest was personally notified, and he said he accepted and did accept and swore by God and the Cross, according to law, to proceed well and faithfully with the translation he has been ordered to make, and he signed. Juan Josef Duforest. Before Rafael Perdomo, Clerk of the Court. The Spanish translation of the French Power of Attorney follows.

Decree. The Power of Attorney, which is sufficient, having been presented, notify Juan Bautista Macarty and Juan Josef Duforest to retain in their possessions the sums they owe Pedro Acher, until this Court will determine what will be suitable. Let the costs be taxed, which must be paid by Mr. Gravier. Fees 2 pesos. (Signed) Miro; Postigo.

Notification and answer. In the city of New Orleans, on the said day, month and year (February 1, 1785), the Escribano went to Juan Josef Duforest's dwelling house to notify him of the foregoing decree, and he declared that from this time forth he obligated himself to retain in his possession, by means of embargo, and at the disposition of the Court, the sum of 1694 pesos he owes Pedro Hacer, and he signed, to which Rafael Perdomo attests. (Signed) Juan Josef Duforest.

Second notification. In the city of New Orleans, on February 3, 1785, the Escribano, pursuant to the foregoing decree, went to Juan Bautista Macarty's dwelling house to notify him of its contents, and he said from now on he obligates himself to retain in his possession, by way of embargo, at the disposition of this Tribunal, the sum of 2789 pesos 6 reales that he owes Pedro Acher, and he signed, to which the Escribano attests. (Signed) J. B. Macarty. Before Rafael Perdomo, clerk of the Court.

Notification, acceptation and oath. On the said day, month and year (February 3, 1785), Luis Lioteaud was personally notified and he said he accepted and did accept and swore by God, Our Lord, and a Sign of the Cross, according to law, to proceed well and faithfully with the taxation he has been ordered to make, and he signed, to which the Escribano attests. (Signed) Luis Lioteaud. Before Rafael Perdomo, Clerk of the Court.

Taxation of Costs. On February 22, 1785, Luis Lioteau taxes costs at 8 pesos 4 reales.

January 28.

Luis Boisdoré vs.
The Succession of Alexo and Francisca Populos.

No. 2997. 6 pp.

Court of Alcalde
René de Kernion.

Doctors Luis Boisdoré and Juan Senac, present two exhibits, namely, their bills for professional services. The first reads: The heirs of Francoise, a free mulattress, owe J. Senac and L. Boisdoré, Surgeons of this city, for having treated the above-said during her illness, as well as her negress, the sum of fifteen piastres.....15 piastres.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

To collect a debt.

This suit, brought by two New Orleans surgeons to collect from the succession of two free persons of color, a bill for medical treatment of said free negroes, contains nothing of interest except the fees charged for such medical services at that date.

For Payment, New Orleans, December 10, 1784. (Signed) L. Boisdoré and J. Senac.

The second bill reads: The heirs of one named Alexis, a free mulatto, owe J. Senac and L. Boisdoré, Surgeons of this city, the sum of twenty piastres, for having visited, treated and supplied medicines, from July 10, 1783 to October, 1784, in several illnesses he had during that time.....20 piastres.

For payment, New Orleans, October 10, 1784. (Signed) L. Boisdoré and J. Senac.

Luis Boisdoré and Juan Senac, Surgeons in partnership, appear before the Court and set forth that, as may be proven from the bills duly presented, the Succession of Francisca and Alexo, brother and sister, both free mulattoes, owe them 35 pesos for professional services and medicines, and considering that Antonio Ramis is in charge of the said succession, they pray Alcalde de Kernion to order him to pay them. René de Kernion rules: Let this petition be sent to Antonio Ramis.

The plaintiffs again petition, this time to state that they have taken action to cause Antonio Ramis to pay them from the estate of the late Pelagia Populus, a free mulattress, a certain sum of money for medical treatment furnished her sons, Alexo and Fernando, etc., and although Mr. Ramis has been given their last petition, many days have passed and he has not answered, therefore they pray that because he has failed to do so that he be condemned to pay all costs, besides the amount they claim. Alcalde de Kernion orders this petition sent to the Auditor, and on Juan del Postigo's advice, rules: Let Mr. Ramis answer for the first audience with summons to appear.

Antonio Ramis, through Antonio Mendez, Public Attorney, answers, averring that on seeing the bills presented by the plaintiffs, he has paid the amount demanded, therefore he prays the Court to order the taxation of the costs of the case. In a secondary petition, he states that so as to make it evident to the minors, for all future time, that this sum has been paid, he prays the Court to order that at the end of the decree which will be rendered to this request, there will be a further ruling that a receipt must be drawn up and signed by the creditors. Alcalde de Kernion decrees: As it is prayed in all.

In the city of New Orleans on March 4, 1785, before the Escribano and witnesses, appeared Luis Boisdoré & Company, surgeons of this city, known to Fernando Rodriguez, and he (Luis Boisdoré representing the firm) acknowledges to have received

from Antonio Ramis, testamentary executor of the Populus minors, the sum of 35 pesos that the said succession owes for medicines and treatment. The Escribano attests to the delivery because it was made in his presence, and for which he draws up a formal receipt, the witnesses here present, being Josef Veca (Becat), Santiago Lemaire and Miguel de San Juan Gomez, residents of this city. (Signed) L. Boisdoré & Company.

[**Translator's Note:**—The record ends here. If a taxation of costs was ever made, it has become detached from the folio.—L. L. P.]

No date.

Criminal Prosecution.

Juan Bautista Demoruelle vs. one named Farge, a watchmaker.

No. 3019. 1 p.

Court of Alcalde Nicolas Forstall.

No Assessor.

Escribano, Fernando Rodriguez.

For using obscene language.

This proceeding is interesting only for the light it throws upon some moral and social conditions in New Orleans at that period.

This is a detached, undated petition and ruling. A marginal note stipulates that it was presented by one who does not know how to sign his name. It reads in part: Juan Bautista Demourelle sets forth that he makes a civil and criminal charge against one called Farge, a watchmaker, who lacking in the fear of God and respect for the Court, on last Monday, October 31, at about 9 o'clock at night, came out of his house, with a lighted candle in his hand, screaming: "I have surprised this rogue, Bautista San Cartier (Demoruelle), in bed with that harlot of a wife of mine. The infamous scoundrel ought to be hanged, tomorrow I shall go to ask to have him banished because he came to seduce my wife." When the plaintiff heard these insulting words, he went out of the door of his own home where he had been in bed for half an hour and on realizing that such deprecations were directed against him, he returned and took refuge in his own house. Therefore he prays Alcalde Forstall to receive the testimony of the witnesses he will present, who must declare under oath, upon what he has related as well as anything else they might know, or may have heard said about Farge, and done deliver their depositions to him to be used to enforce his rights. The unsigned ruling to this petition reads: Let this complaint be admitted in as much as it is legal. Receive the testimony this party offers. And done deliver the depositions to him.

[**Translator's Note:**—It is evident from the text that this offense was committed Monday, October 31st; therefore the suit must have been instituted in early November. Nothing further is done in the matter, therefore it may be supposed that the affair was settled out of Court.—L. L. P.]

No date.

Petition for the sale of the estate of Carlota Focon Dumanoir, Widow Desilest.

No. 3024. 1 p.

Court of Governor Esteban Miro.

No Assessor named.

No Escribano named.

[*Note:* — From the writing and number of the document, the Clerk of the Court was Fernando Rodriguez. L. L. P.]

This petition contains some information of interest to Louisiana genealogists.

This detached petition is valuable for the names, marriage connections and signatures. It reads: Santiago Livaudais, as husband of Carlota; Renato Huchet de Kernion, representing Luisa Constancia; Patricio Magnemara (Macnemara), acting for his wife, Francisca; Visente de Morant, in the name of his wife, Margarita; and Juan Bautista and Francisco Desilest, heirs of Carlota Focon Dumanoir, Widow Desilest, their mother-in-law and mother, petition to say that it is convenient to them to sell, at public auction, all the property left by her at her death. They pray to be granted a permit to do so, after the Court has ordered the public calls and the necessary proclamation has been posted, so that the sale may become known to the public. (Signed) Jacques Livaudais; Jean B. Desillest; Le Chevalier De Morant; P. Macnemara; René Huchet de Kernion; F. Delery Desillest. Governor Miro rules: As it is prayed.

No date.

Francisco Durel vs. Madame Noye.

No. 3026. 2 pp.

Court of Alcalde Huchet de Kernion.

No Assessor.

Escribano, Fernando Rodriguez.

To collect a bill.

This suit presents nothing of interest except the prices at which carpet sold in New Orleans at that date.

The first entry is an exhibit, the bill, written in French and dated January 13, 1784. It reads: Mrs. Noye owes (Mr.) Durel, to-wit:

7 Rolls of carpet, delivered to her mulattress, at the price of 14 escalins a roll.....12–2

7 Rolls, the same, delivered to her negro porter, at 14 escalins 12–2

24–4

I certify that the said bill is correct according to my book of accounts. (Signed) Durel, Sr.

Francisco Durel petitions, saying that as appears from the bill duly presented, Madame Noye owes him 24 pesos 4 reales. He has entered several suits before now to collect this amount, but without success. Therefore he prays to have the defendant ordered to declare under oath and without delay, whether or not she owes this bill, and done deliver her deposition to him to be used to enforce his rights. Alcalde de Kernion rules: Let the defendant swear and declare to the

contents of this request, entrusting the taking of her deposition to the Escribano and done deliver it to the plaintiff.

No date.

Criminal Process.

Gabriel Tiseran(t) vs. Francisco Dubua, Public Crier.

No. 3131. 2 pp.

Court of Governor Esteban Miro.

Assessor Juan del Postigo.

Escribano, None mentioned.

For assault with a loaded gun.

This complaint against a public official of New Orleans, who went on a rampage while drunk and assaulted a citizen with a gun, reflects some interesting light upon moral and social conditions in Spanish colonial Louisiana.

This record is a fragment, consisting of a petition and ruling, only, which reads, in part: Gabriel Tiserant makes a civil and criminal complaint against Francisco Dubua, Public Town Crier, because of the following reasons, namely: That on the 5th of the current month, the defendant, while drunk and with little fear of God and less esteem for the Court, took a time the complainant was talking to several persons, near his, Dubua's, house to hit and kill a chicken with a stick he had in his hand, saying: "It is mine." He then struck twice more and tried to do the same with a white rooster, but the owner prevented. After that he burst forth into abusive language, of which the declarer remembers very little, except that he said all his neghbors were thieves, and addressing the petitioner, said: "You are the greatest rogue of the lot, because you robbed me of my ducks." The complainant, although he knew he was drunk but not wishing to infuriate him, answered: "I did not know you owned any ducks." Dubua replied: "I am not afraid of you; wait I will go get my gun." Thinking his words were from the effects of liquor and having no fear of him, Mr. Tiserant began to crack pecans with his companions. Later he heard screams, so he went out into the street and there he saw Dubua with a gun in his hand, who addressed the declarer, saying: "You are the one I wish to see." He answered: "Why do you wish to see me? I see that you are drunk now, and that you wish to frighten me with a gun, as if I were a child." And thinking that the gun might be loaded, nevertheless he was afraid of it, as he was only eight or ten paces away from Dubua, who pointed it at him; however, it did not go off. The declarer then finding himself in danger of death, jumped on the defendant, and put his hand on the gun, Dubua prevented him from taking it and grasped a stick that he had at his side and stopped the petitioner with it; the latter by this time had the good luck to take the said stick away from him and to hit him over the head with it, and although he used all the force possible to disarm his adversary, because he was now certain that the gun was loaded, he did not succeed. For this reason and owing to Dubua's great strength, he was obliged to give in to him and to make his

escape, and having returned to his house, he looked back and saw that Dubua was pointing the gun at him, so he stopped, and just as soon as he saw the powder flash, he threw himself on the ground and the bullet passed over his head and wounded a woman and child. Therefore he prays the Court to admit this complaint, in as much as it is legal, and to receive the testimony of the witnesses he will present, who must testify, under oath, to the charge he has made in this written petition; the said charge does not arise from malice and is convenient to his right for public vindication. He further asks to have this treacherous man punished with all the rigor of the law, because it is justice that he hopes to receive. Governor Miro, on Juan del Postigo's advice, rules: This complaint having been admitted, let the party present the witnesses he offers, for which purpose they must be summoned to appear. (Signed) Miro; Postigo.

(To be continued.)

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